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STATE OF COLORADO }
} ss
COUNTY OF ELBERT }

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 27th day of March, 2019, there were present:

Christopher Richardson	County Commissioner, Chairman
Grant Thayer	County Commissioner
Rick Pettitt	County Commissioner
Amanda Moore	Deputy Clerk to the Board

When the following proceedings, among others were had and done, to wit:

APPROVE
RESOLUTION 19-17

ADOPTION OF ELBERT COUNTY ZONING REGULATIONS AMENDMENT #1

WHEREAS, the Elbert County Community and Development Services Department has submitted proposed amendments to the Elbert County Zoning Regulations which would promote the public health, safety and welfare of the citizens of Elbert County; and

WHEREAS, on March 5, 2019, the Elbert County Planning Commission held a public hearing pursuant to § 30-28-111 of the Colorado Revised Statutes and Elbert County Zoning Regulations, regarding these proposed Elbert County Zoning Regulations Amendment #1. At the hearing there was a presentation by Staff and members of the public, and public comment was solicited and received; and

WHEREAS, the Elbert County Planning Commission voted 6 to 1 to forward a recommendation of approval to the Board of County Commissioners for consideration; and

WHEREAS, on March 27, 2019, the Board of County Commissioners held a public hearing on the proposed Elbert County Zoning Regulations Amendment #1 pursuant to § 30-28-112 of the Colorado Revised Statutes and Elbert County Zoning Regulations; and

WHEREAS, by this Resolution, the Board of County Commissioners of Elbert County desires to repeal and re-enact the Zoning Regulations, as amended; and

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 reviewed the documentation of the Community & Development Services Department, and having listened to all public comment, and being fully advised in the premise.

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 proposed amendments to the Elbert County Zoning Regulations, as specifically set forth herein as Exhibit A, as recommended for approval by the Elbert County Planning Commission and as amended without substantial change by the Board of County Commissioners during the March 27, 2019, public hearing.

b. That the Board of County Commissioners expressly finds that the revisions to the Elbert County Zoning Regulations contained herein do not in any way materially alter the recommendation from the Elbert County Planning Commission, and therefore do not necessitate a resubmission of the matter to the Elbert County Planning Commission.

c. That all prior decisions and all prior approvals made under the current Elbert County Zoning Regulations are expressly validated and shall survive the enactment of these Elbert County Zoning Regulations.

d. The implementation of the newly adopted Elbert County Zoning Regulations Amendment #1 is effective as of April 8, 2019.

e. That these Elbert County Zoning Regulations Amendment #1 do repeal all prior versions of the Elbert County Zoning Regulations and any amendments thereto.

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

_____ **AYE**
CHRISTOPHER RICHARDSON

_____ **AYE**
GRANT THAYER

_____ **AYE**
RICK PETTITT

ATTEST: **DALLAS SCHROEDER**
COUNTY CLERK

BY: Amanda Moore
Deputy Clerk to the Board

ELBERT COUNTY SEAL ORG. FEB. 13 1874 COLORADO

EXHIBIT A

[Placeholder for final ECZR]

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ARTICLE I. ADMINISTRATION AND ENFORCEMENT

A. Title and Authority

1. Title. The Elbert County Zoning Regulations and map establishing zoning districts in Elbert County, Colorado, regulating the use of buildings, structures and land; the location, height, bulk and size of buildings, fences and other structures; percentage of lot which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, access to sunlight for solar energy devices, and the uses of land for trade, industry, recreation, or other purposes; provisions establishing, regulating, and limiting such uses on or along any storm or floodwater runoff channel or basin as such storm or floodwater runoff channel or basin has been designated and approved by the Colorado water conservation board in order to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or floodwaters; and providing further a description of certain terms used herein; penalties to be prescribed for the violation of these provisions; procedure for the amendment of these provisions and methods of administration and enforcement to be applied are hereby included.

2. Short Title. For the purpose of brevity, these zoning regulations shall hereafter be referred to as the "Elbert County Zoning Regulations," "ECZR," or "these Regulations."

3. Purpose. These Regulations shall be for the purpose of promoting the health, safety and welfare of the present and future inhabitants of Elbert County, Colorado, by securing safety from fire and other dangers; supporting adequate light and air; classification of land uses and distribution of land development and utilization; facilitating the adequate provision of transportation, water, sanitation, schools and other public requirements; protection of the tax base; securing economy in governmental expenditures; fostering the State's agricultural and other industries and the protection of urban and non-urban development in support of the goals and policies of the Elbert County Comprehensive Plan.

4. Authority. The Elbert County Zoning Regulations are authorized by Article 28, Title 30, of the Colorado Revised Statutes (CRS), 1973, as amended, and are hereby declared to be in accordance with all provisions of the Statutes.

5. The Elbert County Zoning Regulations shall apply to all properties within the unincorporated area of the County of Elbert, Colorado.

B. Repeals and Effective Date

1. These Elbert County Zoning Regulations hereby are adopted and as such do repeal all prior versions of the previous Elbert County Zoning Regulations and any amendments thereto.

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2. Repeal of the above-mentioned regulations does not revive other regulations or portion thereof, except for those regulations which have been included and re-enacted as part of these Regulations.

3. Such repeal shall not affect or prevent the prosecution or punishment of any person for the violation of any regulations repealed hereby, for any offense committed prior to the repeal.

4. These Regulations shall become effective on the 1st day of February, 2019. Notice of public hearing hereon was advertised in the Elbert County News on November 1, 2018, November 15, 2018 and December 6, 2018 and in the Ranchland News on October 25, 2018, November 15, 2018 and December 6, 2018. A public hearing was held on December 19, 2018, pursuant to said notice. These Regulations were adopted the 23rd day of January, 2019 by Board of County Commissioners of the County of Elbert, Colorado.

C. Interpretation

1. Minimum Requirements. In their interpretation and application, the provisions of these Regulations shall be regarded as the minimum or maximum requirements for the protection of the public health, safety and welfare for present and future residents of Elbert County.

2. Overlapping Regulations. Except with respect to approved and recorded development guides within Planned Unit Development (PUD) districts, whenever both a provision of these Regulations, or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever provisions are more restrictive or impose higher standards or requirements shall govern.

3. Existing Permits, Easements, Development Guides and Other Approvals. The Elbert County Zoning Regulations are not intended to abrogate, annul, govern or prevail over any permits, easements or Development Guides duly authorized by the County prior to the effective date of these Regulations.

4. When the term "CDS Director" is used in these Regulations it shall mean the Elbert County Director of Community & Development Services or his/her appointed designee.

5. Provisions Declared Invalid.

(a) If any provision of the Elbert County Zoning Regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

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(2) Such decision shall not affect, impair or nullify the Elbert County Zoning Regulations as a whole or any other part thereof; but the rest of these Regulations shall continue in full force and effect.

(b) If the application of any provision of the Elbert County Zoning Regulation to any lot, building, other structure or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of validity was rendered; and

(2) Such decision shall not affect, impair or nullify the Elbert County Zoning Regulations as a whole, or the application of any provision thereof, to any other lot, building, other structure or tract of land.

D. Zoning Map

1. The location of the zoning districts, hereby established, is shown on the map entitled "Official Zoning Map of Elbert County", dated May 13, 2010 and which were certified per Resolution 10-54 on August 25, 2010, together with all amendments by resolution, which are hereby made, along with explanatory matter thereon, a part of these Regulations. The Official Zoning Map, together with each amendment thereto shall be maintained by the Community & Development Services Department and shall be filed in the office of the Elbert County Clerk.

2. All amendments to the map made in conformity with these Regulations shall be recorded on the map within thirty (30) days of its adoption or within thirty (30) days of recordation of any Rezone Exhibit, whichever is later, showing general location, effective date, and nature of the change. No change shall be made to the Official Zoning Map, except in the manner hereafter set forth. Any unauthorized change to the Official Zoning Map by any person or persons shall be punishable as a misdemeanor and shall receive the same penalty as set forth in Article I.H.3., below. The Official Zoning Map will be adopted annually to incorporate amendments.

3. The current Official Zoning Map and Zoning Regulations shall be available for viewing and purchase by the public in the Elbert County Community & Development Services Department.

4. Where uncertainty exists as to the boundaries of areas shown on a zoning map, the following rules shall apply:

(a) Boundaries indicated as approximately following the center lines of streets, highways, stream beds, railroad rights-of-way or alleys shall be construed to follow such center lines.

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(b) Boundaries indicated as approximately following the right-of-way lines of streets, highways or alleys shall be construed to follow such right-of-way lines, and in event of change in the right-of-way line, shall be construed as moving with the right-of-way line.

(c) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

(d) Boundaries indicated as approximately following Public Land Survey System aliquot lines shall be construed to follow such lines.

(e) Boundaries indicated as parallel to, or extensions of, features indicated in subsections a through d above shall be similarly construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(f) Where a street or alley is vacated or abandoned the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned street or alley.

(g) Disputes concerning the exact location of any district boundary line shall be reviewed by the CDS Director, and decided upon by the Board of County Commissioners.

E. Applicability to Government Facilities

1. The permitted uses and the lot and building standard provisions of these Zoning Regulations shall not apply to buildings, facilities or uses owned or operated by the government of the United States, State of Colorado or any political subdivision thereof provided that:

(a) No state or federal law, statute or regulation requires such building, facility or use to comply with local zoning regulations.

(b) Such building, facility or use has been reviewed pursuant to the provisions of Section 30-28-110(1), Section 22-32-124(1) or Section 22-32-124(1.5) C.R.S. or as amended.

(c) Such building, facility or use provides or fulfills a governmental (nonproprietary) function which the governmental owner/operator is legally authorized to provide being one of school, fire protection, law enforcement, or public safety.

(d) A grading permit has been obtained, where applicable, in accordance with the requirements of Elbert County Department of Public Works.

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(e) Such building, facility or use has all applicable permits including but not limited to building, sign, and floodplain and miscellaneous permits required by these Regulations.

2. Where subsequent private use of buildings or facilities originally erected and used in legal noncompliance with these Regulations by virtue of this exemption is substantially the same in nature as the prior governmental use, such subsequent use shall be considered a legal nonconforming use and shall be administered pursuant to the provisions of the Article X. Nonconformities of these Regulations.

F. Planning Commission

1. Purpose. The purpose of the Planning Commission shall be to review land use applications before submission of same to the Board of County Commissioners and make formal recommendations based on the terms of the Elbert County Zoning and Subdivision Regulations, as well as any related regulations or plans.

2. Powers and Duties of the Planning Commission.

(a) The Commission members shall carry out such powers, duties, and responsibilities as described by § 30-28-103, et seq., C.R.S., as amended, and shall exercise such other powers and duties as may be specifically referred to the Commission by the Board of County Commissioners by resolution, which are not inconsistent with statute.

(b) Generally, the Planning Commission shall have the following powers and duties, except as otherwise provided by law:

(1) To make, or cause to be made, and adopt a County Comprehensive Plan.

(2) To review and make recommendation to the Board on the following:

i. The approval of conceptual plans, when applicable.

ii. Amendments to the Elbert County Zoning Regulations.

iii. Amendments to the Elbert County Subdivision Regulations.

iv. Rezoning of land.

v. Subdivision of land.

vi. To review and make recommendations concerning any relevant matters which may be submitted to it by the Board of County Commissioners.

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3. General Land Use Applications. The Commission shall act on land use applications within thirty (30) days of the first commission hearing at which the application is considered. An extension of an additional thirty (30) days may be granted by the Commission at the request of the Applicant or staff or if the Commission determines through a vote at a public meeting that such extension of time is necessary. The reason(s) for any such additional extension shall be stated for the record. No additional time beyond sixty (60) days shall be granted by the Commission unless:

(a) Staff determines (1) the need for such additional time arises through no fault of the Applicant and (2) it is not possible to properly review and make recommendation on the application unless additional time is taken; or

(b) The Commission determines, in a recorded vote on a motion containing relevant findings, that additional information or material needs to be prepared and presented if the application is to be considered suitable for review and recommendation.

4. Amendments to the Elbert County Zoning Regulation. When amendments to the ECZR are proposed by the Board of County Commissioners or Staff to the Commission, the Commission shall act on the amendments within sixty (60) days of the first Planning Commission hearing at which the amendment is considered. No extension beyond sixty (60) days will be permitted unless the Commission determines, in a recorded vote on a motion containing relevant findings, that the complexity of the proposed amendment requires such additional time. A recommendation shall be made by the Commission to the Board within no more than one hundred and twenty (120) days following the first Commission hearing at which the amendment is considered.

5. General Provisions.

(a) The Board of County Commissioners shall appoint a Planning Commission consisting of nine (9) voting members with at least one (1) appointee from each County Commissioner district. Each County Commissioner shall nominate candidates to fill three (3) seats on the Commission designated Seats A, B, and C. Each Commissioner shall nominate at least one (1) person from that Commissioner's District. Each nominee must be approved by a majority vote of the Board. The term of Commission members shall be three (3) years and until their respective successors have been approved.

(b) Each member of the Planning Commission shall meet the following eligibility criteria and meet such other requirements as deemed necessary by the Board of County Commissioners. Each Commission member must be a resident of Elbert County as stated in § 30-28-103 (2), C.R.S. A person shall be considered a resident if his or her principal or primary home or place of abode is within Elbert County in accordance with standards as set forth in § 1-2-102, C.R.S., as they may be amended from time to time.

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(c) Commission members shall be appointed at or before the annual or organizational public hearing or meeting of the Board, which is the second public hearing or meeting of the calendar year, or as soon after as is practicable, and at such other times as are necessary to complete terms and to fill vacancies. The terms of office shall be staggered by making the appointments so that approximately one-third (1/3) expire each year.

(d) Commission members may be reappointed. All members whose terms are expiring shall be notified in December prior to the expiration of the term and may be invited to re-apply.

(e) Commission members serve at the pleasure of the Board of County Commissioners and may be appointed or removed from the Commission by the Board of County Commissioners at any time by a majority vote of the Board of County Commissioners.

6. The Planning Commission shall receive reasonable compensation by Elbert County, not to exceed thirty dollars ($30.00) per meeting in addition to reimbursement for mileage for attending official and special meetings and site visits.

7. The Planning Commission shall elect from its members a Chairperson and Vice-Chairperson whose terms shall be for one (1) year. Other positions may be created by the Planning Commission when needed. Such election shall take place at the first regularly scheduled public hearing, or as soon as is practicable, of the Commission following the annual Board appointment meeting, regardless of whether or not a planning commissioner is appointed at the above mentioned annual meeting.

8. The Planning Commission shall adopt and/or maintain rules and regulations governing its proceedings. Such rules and regulations shall be consistent with the guidelines of this Section and appropriate State Statutes and shall reflect what the Commission determines to be necessary or advisable.

9. The Planning Commission shall meet at least once (1) each month at a regularly scheduled time and on a regularly scheduled date to review and process applications and other requests submitted to the Planning Commission. Should there be no business to conduct in a given month by the Commission, the CDS Director, or his/her assign, shall notify the Board of the waiver of that month's meeting. All meetings shall be open to the public. An agenda of items shall be made available to the public at the Elbert County Community & Development Services Offices before the meeting and shall be posted at the official posting place as set by the BOCC. Meeting notices shall be posted no less than twenty-four (24) hours in advance of such meeting.

10. The Planning Commission may call special meetings for special projects or other important topics for review, discussion or recommendation. Alternate hearing dates due to weather conditions or other scheduling difficulties may be considered by the Chairperson of the Planning Commission. Additional hearing dates may be added from

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time to time to accommodate a higher volume of applications and/or requests, continuances or public comment.

11. Voting and Quorum.

(a) A Quorum shall be a majority of the appointed Planning Commissioners and no less than three (3) members. No meetings shall be held unless a Quorum is present. In the absence of a Quorum, no meeting shall convene, the Secretary shall enter minutes stating that there was an absence of a Quorum and the members shall disperse within a reasonable time after gathering. Applications that require public notice will not be required to republish.

(b) A Majority vote of the voting members present is required for a recommendation or determination. A roll call vote shall be recorded in the minutes of the meeting.

(c) No roll call is required for a unanimous vote.

(d) In the event of a tie vote, the Motion being voted on shall be deemed to have failed, and the request shall be forwarded to the Board with no recommendation.

12. A secretary to the Planning Commission shall be appointed by the Community & Development Services Director from Community & Development Services staff to be present at all regular and special meetings of the Planning Commission. In the absence of the Appointed Secretary a designee shall be temporarily appointed by the CDS Director. The secretary shall take the minutes of the meetings in an appropriate manner approved by the Planning Commission. The minutes shall be made a matter of public record within a practical time after the official meeting of the Planning Commission and will be available at Community & Development Services. Anyone wishing to have a transcript of the proceedings may have a court reporter present at their own expense.

13. The Community & Development Services Director:

(a) The CDS Director shall serve as advisor to the Planning Commission on all planning and zoning matters brought to their attention, and be responsible for scheduling all Planning Commission meetings in accordance with the guidelines established by this Section. The CDS Director or his/her authorized representative, shall represent the Planning Commission at official meetings at which the Planning Commission's recommendation(s) or opinions are so solicited, inclusive of, but not limited to, meetings before the Board of County Commissioners, regional planning advisory meetings and at such other times as appropriate.

(b) The CDS Services Director shall conduct research, report preparation or other tasks as assigned by the Planning Commission on land use matters and/or may contract for technical assistance in the preparation of information

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for use by the Planning Commission or the Board of County Commissioners in the review and processing of land use and zoning requests.

(c) The CDS Department shall serve as the administrative office for the Planning Commission.

14. All Planning Commission members shall conduct themselves in a professional manner at all times when serving and/or representing their role on the Planning Commission. Commissioners shall abide by the professional standards set forth in § 24-18-103, 104, 105 and 109, C.R.S., as may be amended from time to time, as well as any general professional code of conduct set forth in the Planning Commission Bylaws and any related policies or resolutions that the BOCC may adopt.

15. Review and Recommendation Procedure.

(a) The Planning Commission shall review the proposal submitted by the applicant, responses from referral agencies, staff comments and recommendations, and the record before the Commission on planning or zoning or land use matters and take one of the following actions:

(1) Recommend to the BOCC approval of the proposal.

(2) Recommend to the BOCC approval of the proposal with conditions indicating for the record what the condition(s) is/are.

(3) Recommend to the BOCC denial of the proposal indicating for the record the reason(s) for the recommendation of denial.

(4) Continue the Request, as outlined in F.3. of this subsection.

G. Board of Adjustments

1. Purpose. The purpose of the Board of Adjustments shall be to provide for, in appropriate cases and subject to additional conditions and safeguards, the ability to make special exceptions to the terms of the Elbert County Zoning Regulations in conformance with its general purpose and intent.

2. Powers and Duties. The Board of Adjustments has the following powers:

(a) To hear and act upon requests for a Variance from standards in these Regulations to the:

(1) Minimum area of lot;

(2) Minimum width of lot;

(3) Maximum height of structures and fences;

(4) Minimum front yard setback;

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(5) Minimum side yard setback;

(6) Minimum rear yard setback;

(7) Minimum off-street parking requirements;

(8) A comparable numerical standard contained within an approved Planned Unit Development; and/or

(9) Such other zoning standards as may be deemed appropriate by the CDS Director where strict application of those zoning standards would result in exceptional difficulty or unnecessary hardship.

3. The concurring vote of a majority of the appointed members of the Board of Adjustments (even if not present) shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency, or to decide in the favor of the appellant.

4. General Provisions.

(a) The Board of County Commissioners of Elbert County shall appoint a Board of Adjustments consisting of five (5) voting members. Not more than half of the members of such Board may at any time be members of the Planning Commission. Each of the members of the Board of Adjustments shall be a resident of the County. The term of appointed members of the Board of Adjustments shall be three (3) years and until their respective successors have been appointed. The terms of office shall be staggered by making the appointments so that at least one (1) member's term will expire each year.

(b) The Board of County Commissioners may appoint two (2) associate members to the Board of Adjustments. Each associate member shall be a resident of the County. In the event that any regular member of the Board of Adjustments is temporarily unable to act, due to absence from the County, illness, interest in a matter before the Board of Adjustments, or any other cause, that member's place may be taken during such temporary disability by the most senior associate member present based upon length of service.

(c) Any member of the Board of Adjustments may be removed for non-performance of duty or misconduct at the discretion of the Board of County Commissioners. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.

(d) The Board of Adjustments shall receive reasonable compensation by Elbert County not to exceed thirty dollars ($30.00) per meeting plus mileage for attending official and special meetings.

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(e) The Board of Adjustments shall elect from its members a Chairperson and a Vice- Chairperson whose term shall be for one (1) year. Other positions may be created by the Board of Adjustments when needed.

(f) The Board of Adjustments shall adopt such rules and regulations governing its proceedings as it may consider necessary or advisable, such rules and regulations shall be consistent with the guidelines of this Section and appropriate State statutes.

(g) The Board of Adjustments shall meet as often as necessary to hear and act upon applications and other appropriate requests submitted.

(h) The Board of Adjustments may call special meetings for special projects and other important topics for review, discussion and/or recommendation. Alternate hearing dates due to weather conditions and other scheduling difficulties may be considered by the Chairperson of the Board of Adjustments.

(i) A secretary shall be provided by Community & Development Services to the Board of Adjustments and shall be present at all regular and special meetings of the Board of Adjustments. The secretary shall record the meetings and make minutes of the meetings. The minutes shall be made a matter of public record within a practical time after the official meeting of the Board of Adjustments and will be available at the Department of Community & Development Services.

(j) If there is a vacancy of the entirety of the appointed Board of Adjustments, the Board of County Commissioners may, at its discretion, appoint themselves to serve as the Board of Adjustments. In this case the Board of Adjustments shall consist solely of the three (3) voting members. The Board of County Commissioners shall serve as the Board of Adjustments for a term of undefined length, until such time as a new five (5) member Board of Adjustments is appointed.

H. Enforcement

1. Purpose and Intent. Pursuant to State of Colorado authority, these Elbert County Zoning Regulations are adopted with the following purposes and intent:

(a) To promote the public health, safety and welfare of the citizens of Elbert County.

(b) To support the vision, goals, and recommendations of the Elbert County Comprehensive Plan.

(c) To protect and enhance the natural environment including the conservation of natural features, land, water, and energy.

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(d) To provide for a range and orderly development of agricultural, housing, economic and commercial uses and buildings to meet the current and future needs of the citizens of Elbert County.

(e) To promote safe, efficient, and effective transportation corridors within the County.

2. Authority.

(a) The Elbert County Zoning Regulations shall be enforced by the Elbert County Community & Development Services Director and his/her authorized representative(s) on all matters involving these Regulations. The Community & Development Services Director shall consult with the County Attorney, the County Building Official and other affected County offices concerned with, but not limited to, the unlawful erection, construction, altering, occupancy or use of any building, structure, or land, in the unincorporated areas of the County.

(b) CRS 30-28-113 authorizes the Board of County Commissioners to regulate buildings and structures as to size, scale, location, height, open space, use, solar access, etc., and to establish zones or districts to aid in that regulation. They may also require and provide for the issuance of building permits as condition of construction or alteration.

(c) CRS 30-28-114 authorizes the Board of County Commissioners to enforce their zoning regulations through the establishment of a County building inspector, and/or the CDS Director, and/or Code Enforcement Personnel and the withholding of required building permits. They may require reasonable fees for such permits. It shall be unlawful to construct or alter buildings without such a permit. A permit shall not be issued unless plans fully conform to existing zoning regulations.

(d) CRS 30-28-124 establishes criminal penalties for constructing, altering, or using a building or land in violation of zoning standards. Violators are guilty of a misdemeanor and may be subject to fines, imprisonment, or both. Every day of violation is considered a separate offense. The County shall provide notice of violation. If the offense is not remedied within thirty (30) days, the Zoning Compliance Official or County Sheriff shall issue a summons and complaint, including notice to appear in County Court.

(e) The County Attorney, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the violation.

(f) CRS 30-28-209 allows for the enforcement of building code violations. It is identical to 30-28-124 in terms of required process and potential penalties. CRS 30-28-124.5, adopted in 1998 allows the County to impose civil

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penalties for zoning regulations, and some counties find this has expedited their enforcement actions. Actions require a summons and complaint in County Court (rather than District Court), and do not carry with them a procedure to obtain an entry warrant or a procedure for collecting fines through liens on the property. If the County Court determines a violation has occurred, based upon a preponderance of the evidence, the violator may be subject to civil penalties. The County may, but is not obligated to pursue civil penalties. Each day after the issuance of the court order that the violation continues is considered a separate violation and is subject to a continuing penalty for every day on noncompliance.

(g) CRS 30-28-210 provides for the use of civil penalties through the County Courts for building code violations. It is identical to 30-28-124.5 in terms of required process and potential penalties.

(h) CRS 30-28-110(4) describes the County powers to enforce subdivision regulations. The County may bring an action against a property owner who files a plat that has not been approved by the County. Upon conviction, the illegal subdivider may be fined. The County may also enforce subdivision regulations by withholding building permits, or through an injunction to prevent the sale of lots in the illegal subdivision.

3. Violation and Penalty.

(a) Any person, persons, firm, association or corporation violating any provision of the Elbert County Zoning Regulations or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of the Zoning Regulations may be prosecuted pursuant to the Elbert County Regulations and/or Code, as well as Colorado Revised Statute. Such authority is contained within Colorado Revised Statute, to include the authority granted within 30-28-113; 30-28-124; 30-28-124.5 C.R.S. 30-28-120(1); 30-28-209; 30-28-210; 30-28-110(4) 30-15-401. Each day a violation continues after service of written notice to abate such violation shall constitute a separate violation.

(b) Violators shall be fined a penalty per day for each such violation; such fine to inure to the County of Elbert, State of Colorado. Each day of the documented existence of any situation held to be a violation shall be deemed an equal and separate offense.

4. Inspections.

(a) The Community & Development Services Director and/or Building Official and their authorized representative(s) upon the securing of legal authority, are hereby empowered to enter and inspect any building, structure or tract of land in the unincorporated area of the county. When a violation is alleged and/or

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found, the Community & Development Services Director and/or Building Official shall compile, or cause to be compiled, relevant evidence of the alleged violation. Whenever the Community & Development Services Director or Building Official has personal knowledge of any violation hereof, one shall give written notice to the violator to correct such violation(s).

(b) After appropriate notice(s) has (have) been served by the Community & Development Services Director and/or Building Official, the Community & Development Services Director shall then forward the file, or copy thereof, to the County Attorney for further action. The Community & Development Services Director shall be advised of any actions taken.

(c) Any action brought to remedy or prosecute a violation shall be brought in the name of the Board of County Commissioners of Elbert County, Colorado or the People of the State of Colorado. The Board of County Commissioners may authorize the Building Department to withhold issuance of building permits where a violation is found to exist pursuant to CRS, 1973, 30-28-114, as amended.

5. Building Permits.

(a) It shall be unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure, including surface and subsurface structures, or to move a structure from one property to another within the unincorporated areas of Elbert County without first obtaining a building permit from the County Building Official or his/her authorized representative.

(b) The County Building Department shall not issue any building permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all applicable provisions of these regulations and the adopted building code.

(c) All building permits shall be issued in conformance with the provisions of the Elbert County Zoning Regulations and the adopted building code and shall be valid for a period of time not exceeding one (1) year from the date issued.

6. Zoning Inspection.

The Community & Development Services Director shall assign the responsibilities for zoning inspections to one or more members of his/her staff who shall be able to respond to zoning complaints and make regular inspections of properties in Elbert County. The procedure for responding to zoning complaints and processing by the CDS Director shall be developed by the County Attorney and then reviewed and approved by CDS.

7. Liability.

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(a) The Community & Development Services Director and/or Building Official or their authorized representative(s) charged with the enforcement of this code, acting in good faith and without malice in the discharge of his/her duties, shall not thereby render himself personally liable for any damage that may occur to persons or property as a result of any act or by reason of an act or omission in the discharge of his/her duties. Any suit brought against the Community & Development Services Director and/or Building Official or employee because of such act or omission performed by him in the enforcement of any provision of this code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings.

(b) This code shall not be construed to relieve or lessen the responsibility of any person owning operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the regulation enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this regulation or any certificates of inspection issued under this regulation.

(c) The County and its employees are not liable for damages resulting from any failure to inspect or enforce, or resulting from the issuance or denial of any building permit or the institution or failure to institute any court action as herein authorized or mentioned. In enacting these enforcement regulations, the Board of County Commissioners intends to preserve all rights of the County, its agencies and departments, its elected and appointed officials and employees to immunity from liability as described in the Colorado Governmental Immunity Act, C.R.S. 24-10-101 through 24-10-119, as amended.

8. Process.

(a) The Community & Development Services Director and/or Building Official or their authorized representative(s) shall give notice in writing to request voluntary compliance within a specific timeframe as deemed fair and appropriate by the author of the notice.

(b) A one-time extension may be requested from the person or entity in violation of the regulation(s) if such violation is not removed within the required timeframe and is requested in advance of the date of expected compliance.

(c) If compliance is not attained, then the Community & Development Services Director and/or Building Official or their authorized representative(s) shall notify the County Attorney of the infraction. The County Attorney, Zoning Compliance, and/or Elbert County Sheriff shall then notify the person or entity in violation that a Civil Court or District Court process is eminent to process and prosecute the case for the violation.

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(d) The process of utilizing the District Court will require an affirmative approval from the Board of County Commissioners to authorize the County Attorney to prosecute. Otherwise, the process to commence Civil Court action is done completely at the County Manager's and Attorney's directive.

I. Enforcement of Rubbish, Trash, or Junk

1. Purpose and Intent. Pursuant to State of Colorado authority, these Elbert County Zoning Regulations are adopted with the following purposes and intent:

(a) To promote the public health, safety and welfare of the citizens of Elbert County.

(b) To support the vision, goals, and recommendations of the Elbert County Comprehensive Plan.

(c) To protect and enhance the natural environment including the conservation of natural features, land and energy.

(d) To provide for a range and orderly development of agricultural, housing, economic and commercial uses and buildings to meet the current and future needs of the citizens of Elbert County.

(e) To promote safe, efficient, and effective transportation corridors within the County.

(f) To eliminate and control the accumulation of junk and rubbish within the County, which if not eliminated or controlled, can result in visual blight; attractive nuisances; incompatibility with existing land uses; hazardous or toxic substances being deposited in unapproved sites; attraction of disease-infested rodents and other vermin; air, land, water, and noise pollution; and fire and other hazards.

2. Authority. The County also has the authority to Remove Rubbish and Dangerous Structures via Colorado Revised Statute.

(a) Elbert County Zoning Regulations shall be enforced by the Elbert County Community & Development Services Director and his/her authorized representative(s) on all matters involving these Regulations. The Community & Development Services Director shall consult with the County Attorney, the County Building Official and other affected County offices concerned with, but not limited to, the unlawful erection, construction, altering, occupancy or use of any building, structure, or land, in the unincorporated areas of the County.

(b) CRS 30-15-401(1)(a)(I)(A) authorizes the County to provide for and compel the removal of rubbish, including trash, junk and garbage, from lots and tracts within the County (except from industrial tracts of ten (10) or more

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acres and agricultural lands currently in agricultural use) and from alleys behind and sidewalk areas in front of the property "at such time, and upon such notice, and in such manner as the Board of County Commissioners may prescribe by ordinance". Upon failure of the owner to remove the rubbish, the County may perform the removal and assess the reasonable costs, plus five percent (5%) for administration, against the property. Actual entry to remove rubbish requires application for and receipt of an administrative entry and seizure warrant from County or District Court.

(c) CRS 30-15-401(1)(q) authorizes the County to provide for, and allows the County to compel the removal of any building or structure (except for those on land subject to the Mined Lands Reclamation Act or Surface Mining Reclamation Act) if the building or structure presents a substantial danger to public health, safety, or welfare, or any dilapidated building that is unused by the owner or uninhabited because of deterioration or decay, which causes a fire hazard, storm hazard, rodent infestation hazard, or that is used by transients, "at such time, and upon such notice, and in such manner as the Board of County Commissioners may prescribe by ordinance".

(d) Upon failure of the owner to remove the structure or building, the County may perform the removal and assess the reasonable costs, plus five percent (5%) for administration, against the property. This power does not extend to buildings or structures that are not "neat and orderly" – it must be dangerous, dilapidated, or meet one of the other standards listed above.

(e) CRS 30-15-402.5(1) provides that personnel designated by a County in an ordinance to enforce the rubbish and dangerous building removal ordinance may issue citations and summons to violators without having been first certified as meeting the state Peace Officer Standards and Training requirements set forth in CRS 24-31-30.

3. Violation and Penalty

(a) Any person, persons, firm, association or corporation violating any provision of the Rubbish/Trash/Junk regulations CRS 30-15-402(1) criminal enforcement provides that a person who violates the rubbish removal or building removal provisions in CRS 30-15-401 shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000) for each violation. The County can decide to use the "penalty assessment" procedure in CRS 16-2-201 – i.e. the procedures generally used by peace officers in issuing minor traffic tickets. The "arresting officer" (who need not be a certified Peace Officer, pursuant to CRS 30-15-402.5) delivers the alleged violator a summons and complaint containing identification of the alleged offender, specification of the offense and applicable fine, a requirement that the alleged offender pay the fine or appear to answer the charge at a specified time and place, and "any other

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matter reasonably adapted to effectuating the purposes of this section". The person receiving the notice must either acknowledge his/her guilt and pay the fine or appear in County Court for trial. If the Court finds guilt, the violator may also be charged court costs.

(b) It shall be unlawful for any property owner to cause or allow the accumulation of junk or rubbish on any lot, parcel, or tract of land in the County, except industrial tracts of ten or more acres and agricultural land currently in agricultural use as the term agricultural land is defined in Section 39-1-102 (1.6), C.R.S., under such property owner's control, possession, or ownership, or upon any County road or right-of-way, private road, alley, or sidewalk adjacent to such lot or tract of land.

(c) It shall be unlawful for any person to dump or dispose of any junk or rubbish in the County except in those places permitted and/or duly authorized by the Board for such purpose.

(d) The Board hereby designates the County Attorney, or his/her designee, as the County's legal representative in the civil enforcement of the provisions of these Regulations.

(e) If so directed by the Board, a criminal prosecution may be brought against the property owner in accordance with Sections 16-2-201, 30-15-402, and 30-15-410, C.R.S., as amended. All prosecutions for all offenses under these Regulations shall be by the District Attorney according to the Colorado County Court Rules of Criminal Procedure.

(f) Each day that such violation remains on the premises after the date of expiration of the time period established in the Notice and Order issued in accordance with these Regulations or from the decision of the Board pursuant to these Regulations for removal or abatement shall constitute a separate violation.

(g) Violations of the provisions of these Regulations shall be punishable by a fine as follows:

(1)	First Violation:	$100.00
(2)	Second Violation:	$200.00
(3)	Third Violation:	$400.00
(4)	Subsequent Violations:	$600.00

(h) All fines paid for the violation of these Regulations shall be made payable to Elbert County and submitted to the Elbert County Treasurer's Office and deposited into the general fund of Elbert County. All surcharges collected shall be paid to the Clerk of the Court and subsequently credited to the Victims and witnesses Assistance and Law Enforcement Fund of the

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Eighteenth Judicial District of the State of Colorado pursuant to Section 30-15-402(2), C.R.S., as amended.

(i) The remedies provided in these Regulations shall be cumulative and in addition to any other federal, state, or local remedy, criminal or civil, which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, ordinance, rule, order, or regulation.

4. Inspections.

(a) The Community & Development Services Director, Building Official, and their authorized representative(s), are hereby empowered to enter and inspect any building, structure or tract of land in the unincorporated area of the county. When a violation is alleged and/or found, the Community & Development Services Director and/or Building Official shall compile, or cause to be compiled, relevant evidence of the alleged violation. Whenever the Community & Development Services Director or Building Official has personal knowledge of any violation hereof, one shall give written notice to the violator to correct such violation(s).

(b) After appropriate notice(s) has (have) been served by the Community & Development Services Director and/or Building Official, the Community & Development Services Director shall then forward the file, or copy thereof, to the County Attorney for further action. The Community & Development Services Director shall be advised of any actions taken.

(c) Any action brought to remedy or prosecute a civil violation shall be brought in the name of the Board of County Commissioners of Elbert County, Colorado or the People of the State of Colorado.

(d) Actions may also be prosecuted as a criminal violation, or via a process other than civil, in accordance with Elbert County's Ordinance Regarding the Accumulation and Removal of Junk and Rubbish or via applicable criminal statute, in Elbert County by the Elbert County Sheriff's Department, and the District Attorney's office for the 18th Judicial District.

5. Zoning Inspection.

The Community & Development Services Director shall assign the responsibilities for inspections of rubbish, trash, and junk regulation violations to one or more members of his/her staff who shall be able to respond to zoning complaints and make regular inspections of properties in Elbert County. The procedure for responding to zoning complaints and processing by the Community & Development Services Director shall be developed by Community & Development Services and then reviewed and approved by the County Attorney.

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6. Liability.

(a) The Community & Development Services Director and/or Building Official or their authorized representative(s) charged with the enforcement of this code, acting in good faith and without malice in the discharge of his/her duties, shall not thereby render himself personally liable for any damage that may occur to persons or property as a result of any act or by reason of an act or omission in the discharge of his/her duties. Any suit brought against the Community & Development Services Director and/or Building Official or employee because of such act or omission performed by him in the enforcement of any provision of this code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings.

(b) This code shall not be construed to relieve or lessen the responsibility of any person owning operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the regulation enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this regulation or any certificates of inspection issued under this regulation.

(c) The County and its employees are not liable for damages resulting from any failure to inspect or enforce, or resulting from the issuance or denial of any building permit or the institution or failure to institute any court action as herein authorized or mentioned. In enacting these enforcement regulations, the Board of County Commissioners intends to preserve all rights of the County, its agencies and departments, its elected and appointed officials and employees to immunity from liability as described in the Colorado Governmental Immunity Act, C.R.S. 24-10-101 through 24-10-119, as amended.

7. Process for Civil Violations.

(a) The Community & Development Services Director and/or Building Official or their authorized representative(s) shall give notice in writing to request voluntary compliance within a specific timeframe as deemed fair and appropriate by the author of the notice.

(1) A Notice and Order shall be deemed issued by placing the same in U.S. Mail, certified, return receipt requested, to the property owner's last known address as indicated in the records of the Elbert County Assessor's Office and to the mailing address of the property in question if one exists. Service shall be complete upon mailing or personal service in the same manner provided in Rule 304 of the Colorado Rules of County Court Civil Procedure.

(2) If, after reasonable efforts, the Enforcement Officer is unable to locate the owner for personal service, or service via U.S.

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Mail, the Notice and Order may be published in such a manner as is in accordance with Rule 304 of the Colorado Rules of County Court Civil Procedure concerning publication, except that said publication shall be for a period of fourteen (14) days, and the Notice and Order shall be posted in a conspicuous place or on the subject property.

(b) A one-time extension may be requested from the person or entity in violation of the regulation(s) if such violation is not removed within the required timeframe and is requested in advance of the date of expected compliance.

(c) If compliance is not attained, then the Community & Development Services Director and/or Building Official or their authorized representative(s) shall notify the County Attorney of the infraction. The County Attorney, Zoning Compliance, and/or Elbert County Sheriff shall then notify the person or entity in violation that a Civil Court or District Court process is eminent to process and prosecute the case for the violation.

(d) The process of utilizing the District Court will require an affirmative approval from the Board of County Commissioners to authorize the County Attorney to prosecute. Otherwise, the process to commence Civil Court action is done completely at the County Manager's and Attorney's directive.

8. Process for Criminal Violations. The process for criminal violations involving rubbish, trash, or junk will comply with state criminal statute and Colorado Rules of Criminal Procedure.

9. Show Cause Hearing.

(a) A request by the property owner for a show cause hearing shall be in writing and submitted no later than fourteen (14) days after the date of the issuance of the Notice and Order. Upon the request for the hearing, and pending the Board's decision, the Notice and Order shall be stayed.

(b) The requested show cause hearing shall be set for a date as soon as possible considering the Board's calendar. Written notice of the hearing shall be issued via U.S. Mail, certified, return receipt requested, to the property owner at least fourteen (14) days prior to the date of the hearing.

(c) The property owner shall have full and fair opportunity to present any relevant evidence or witnesses to the Board in order to establish why the Notice and Order should not be enforced or delayed in its enforcement. The Board shall consider all such evidence and testimony, along with any presentation made by the Enforcement Officer or other governmental agency or County Staff, in reaching its decision in accordance with these Regulations.

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10. Administrative Entry & Seizure Warrant.

(a) If the property owner fails or refuses to abate such violation of these Regulations within the time period established in the Notice and Order issued in accordance with these Regulations or from the decision of the Board, the Enforcement Officer, without further notice to the property owner, may initiate proceedings for an administrative entry and seizure warrant through the county court or district court having jurisdiction over the property from which the junk or rubbish shall be removed authorizing the County to enter the property and remove or otherwise abate the violation(s).

(b) A sworn or affirmed affidavit shall be prepared and submitted, along with supporting documents or pictures, to the court. The affidavit shall establish the factual basis for the issuance of the warrant. Documents presented to the court shall include the following:

(1) A copy of these Regulations;

(2) Evidence that the property owner has received notice of the violation and has failed to remove or otherwise abate the violation within a reasonable prescribed period of time;

(3) A general description of the location of the property;

(4) A general list of any junk or rubbish to be removed from the property; and

(5) The proposed disposal or temporary impoundment of such junk or rubbish, whichever the court deems appropriate.

(c) Within ten (10) days following the date of issuance of an administrative entry and seizure warrant, the warrant shall be executed in accordance with the directions by the issuing court. A copy of the issued warrant shall be provided or mailed to the property owner and proof of execution of such warrant, including a written inventory of any property impounded, shall be submitted to the issuing court.

11. Impoundment and Disposal. Any junk or rubbish removed from the property pursuant to an administrative entry and seizure warrant shall be dealt with in accordance with the terms of such warrant, including the impoundment of junk or rubbish or the disposal of junk or rubbish in the manner specified by the court issuing the warrant.

12. Removal of Rubbish by County: Assessment of Costs; Collection.

(a) Any removal or abatement of violations under these Regulations performed by the County, either by or through County forces, contract, or otherwise, the County shall assess the reasonable cost thereof, including five percent

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(5%) for inspection and other incidental costs in connection therewith upon the lots and tracts from which such junk or rubbish has been removed.

(b) Any assessment prescribed in subpart (a) which is not paid within sixty (60) days from the date of the mailing of an invoice may be certified by the Elbert County Clerk and Recorder to the Elbert County Treasurer, who shall collect such assessment, together with a ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. The laws of the State of Colorado for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall govern and apply to the collection of assessments pursuant to these Regulations.

(c) Any assessment pursuant to these Regulations shall be a lien against such lot, parcel, or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

13. Definitions.

(a) Agricultural Land. Shall have the meaning as set forth in Section 39-1-102 (1.6), C.R.S.

(b) Board. The Board of County Commissioners of Elbert County, Colorado.

(c) County. The unincorporated areas of Elbert County, including public and state lands, and the incorporated limits of any town or city within Elbert County which elects by appropriate ordinance or resolution to have the provisions and enforcement of these Regulations apply therein and upon which an intergovernmental agreement between Elbert County and such incorporated town or city has been entered into relating thereto.

(d) Enforcement Officer. The Zoning Compliance Official is the designated Elbert County employee with the authority under these Regulations to pursue violations. The Elbert County Sheriff may also designate his/her authorities under these Regulations to other Elbert County employees in his/her discretion.

(e) Industrial Tract. A lot, parcel, or tract of land zoned for such use and classified by the Elbert County Assessor's Office as industrial.

(f) Junk. Any old or scrap copper; brass; glass; rope; rags; batteries; paper or cardboard; trash; tires or rubber debris; waste; junked, inoperable, dismantled or wrecked motor vehicles or parts thereof; appliances or parts thereof; iron, steel, and other old or scrap ferrous or non-ferrous materials; disposable packages or containers; furniture; carpet or remnants thereof; or construction debris disposed of on the ground and not stored within a completely enclosed building or completely screened

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enclosure. These types of materials may not be permitted to be stored in an abandoned or junked mobile home, recreation vehicle or vehicle.

(g) Property Owner. The owner of record of the property as shown in the records of the Elbert County Assessor's Office, whether person, partnership, firm, corporation, governmental agency, or other association of persons, any authorized agent or representative of the owner of record, or any occupant of the premises.

(h) Rubbish. Any trash, junk, garbage, litter, refuse, debris, lawn or garden waste, remnant or discarded construction or remodeling or repair materials, unlicensed or inoperable motor vehicles including without limitation mobile or manufactured homes, motor vehicle parts or tires, used or waste tires, newspapers, magazines, packaging materials, waste paper or cardboard, dead animal carcasses, unwanted or discarded household items including but not limited to appliances and furniture, metal, scrap, any other items that has been abandoned or discarded, and any object or material which causes or is likely to cause a public hazard or nuisance. Rubbish does not include collector's items properly stored in accordance with Section 42-12-103, C.R.S.

J. Fee Structure for Land Use Applications

1. Intent. The fees collected for land use applications are designed to cover anticipated costs incurred by the County in the review and processing of Land Use applications submitted for consideration.

2. Payment. All fees are payable to the Elbert County Treasurer by cash, check, money order, or credit card. Processing costs for credit card payments may be applied over and above the approved fee amounts.

3. Conditions.

(a) The Board of County Commissioners reserves the right to adjust the fee schedule whenever, in its opinion, it is necessary to accomplish a change, subject to public notice of any such change.

(b) All fees paid are non-refundable, with the exception of unspent funds of those requests which are withdrawn or terminated by the applicant, in writing, prior to the providing public notice of the formal application to be heard before the Planning Commission or Board of Adjustments.

(c) The fees indicated in the fee schedule shall be paid by all applicants with the exception of Elbert County departments or agencies. The Board of County Commissioners shall determine other exceptions on a case-by-case basis, upon written request of the applicant and submitted through Community & Development Services.

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(d) Under no circumstance, except as above noted, will any Land Use Application be receipted for processing without the appropriate fee(s) being paid when fees are required. In the event such checks are returned for insufficient funds, there will be an additional charge required before continuing the processing (see current fee schedule).

(e) A complete Fee Schedule related to development within the County is posted in Community & Development Services. Appropriate county officials will review fee adequacy at one (1) year intervals and present fee adjustment recommendations to the Board of County Commissioners for modification and adoption by resolution. The fee schedule may include, but not necessarily be limited to the following: an effective date, residential rezoning, non-residential rezoning, concept plan., preliminary plat/residential, preliminary plat/non-residential, final plat, vacation(s), special use by review, variance procedure, minor subdivision, recorded plat amendments and adjustments, administrative adjustments, interpretations of uses not itemized, sign permits, substitution of original improvement security, mineral exploration permits, recording of modified County Regulations, review of other governmental agencies, impact fees, temporary structure/office permits, building permits, inspections, certificates of occupancy, reviews, bonding, etc. All fees will be set at a level to recover costs incurred by the County to accommodate development. Determination of costs will include, but not be limited to: personnel, benefits, administration, equipment, expert consultation, contracted services, mileage, inspections, etc.

(f) The County may engage expert consultation for technical issues. The applicant will be advised of estimated costs regarding independent technical services and consultation, and will provide written agreement for County reimbursement or withdraw the application. Such costs will be paid in full by the applicant at the time of application submittal. The applicant will provide the Community & Development Services Director a signed and dated Application Agreement Form.

K. Right to Farm

1. Elbert County is a "Right to Farm" County. These Regulations support the basic right to farm, right to harvest, and right to access roads and highways.

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ARTICLE II. GENERAL REQUIREMENTS AND PROCEDURES

A. Intent and Purpose.

1. This section establishes the processes and procedures for review of zoning related land use applications. This section describes the common procedures for zoning related applications and also identifies specific criteria that may be unique to each individual process.

B. General Requirements

1. The table below identifies the documents that are to be submitted as a part of the development application. The tables within this section identify the submittal requirements for each specified application type. Each submittal document is listed as either a required document (R) or an additional document (A). A required document is a document that is required to be submitted for a specific application. An additional document is a document that can be required by CDS Director or Public Works Director based on the specific circumstances of the application.

Submittal Document	REZONING TO STRAIGHT ZONE DISTRICT	REZONE TO PLANNED UNIT DEVELOPMENT (PUD)	PUD AMENDMENT	SITE DEVELOPMENT PLAN (SDP) & EDZ SITE DEVELOPMENT PLAN	SPECIAL USE BY REVIEW (SUR)	VARIANCE (MAJOR OR MINOR)
1. Land Development Application Form	R	R	R	R	R	R
2. Cover Letter/Narrative	R	R	R	R	R	R
3. Vicinity Map (separate from site plan)	R	R	R	R	R	R
4. Proof of Ownership: Deed	R	R	R	R	R	R
5. Proof of Ownership: O&E						A

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Submittal Document	REZONING TO STRAIGHT ZONE DISTRICT	REZONE TO PLANNED UNIT DEVELOPMENT (PUD)	PUD AMENDMENT	SITE DEVELOPMENT PLAN (SDP) & EDZ SITE DEVELOPMENT PLAN	SPECIAL USE BY REVIEW (SUR)	VARIANCE (MAJOR OR MINOR)
6. Proof of Ownership: Title commitment	R	R	R	R	R	A
7. List and map of property owners and addresses	R	R	R	R	R	R
8. Written Legal Description of property boundary	R	R	R	R	R	R
9. Proof of Water	R	R	R	R	R	A
10. Proof of Sewer	R	R	R	R	R	A
11. Proof of Fire Protection	R	R	R	R	R	R
12. Proof/Explanation of Access	R	R	R	R	R	A
13. Statement of Taxes Due	R	R	R	R	R	R
14. Rezone Exhibit	R	R				
15. Site Plan/Plot Plan Exhibit						R
16. Special Use by Review (SUR) Permit Site Plan Exhibit					R	
17. Special Use by Review (SUR) Development Guide/Written Restrictions					R	
18. Planned Unit Development (PUD) Graphic Exhibit		R	R			
19. Planned Unit Development (PUD) Development Guide/Written Restrictions		R	R			
20. Survey of the property	A	A	A	R	A	A
21. Site Development Plan (SDP) or EDZ SDP				R		
22. Preliminary Drainage Report and Plan OR Drainage Letter	R	R				
23. Final Drainage Report and Plan OR Drainage Letter			A	R	A	
24. Floodplain Development Permit	A	A	A	A	A	A
25. Geologic Report	A	A	A	A	A	

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Submittal Document	REZONING TO STRAIGHT ZONE DISTRICT	REZONE TO PLANNED UNIT DEVELOPMENT (PUD)	PUD AMENDMENT	SITE DEVELOPMENT PLAN (SDP) & EDZ SITE DEVELOPMENT PLAN	SPECIAL USE BY REVIEW (SUR)	VARIANCE (MAJOR OR MINOR)
26. Grading and Erosion Control Plan		A	A	R	A	
27. Civil Construction Plans for on site improvements		A	A	R	A	
28. Preliminary Plans for Public Improvements		A	A			
29. Final Plans for Public Improvements				R	A	
30. Quantities and cost estimates for public improvements				R		
31. Visual Analysis or renderings		A	A	A	A	
32. Traffic Analysis or Traffic Study	R	R	R	R	A	
33. Wetlands Delineation Report				A		
34. Wildlife Biologist's Report				A		
35. Soils Report				A		
36. Lighting/Photometric Plan				R		
37. Utility Report/Plan				R		
38. Landscape Plan		R	R	R	A	
39. Building Elevations				R	A	
40. Development Agreement, Subdivision Improvement Agreement, etc.		A	A	A	A	
41. Certification of notice from property owner to mineral estate owners of record pursuant to CRS 24-65.5-103					R	

2. At the time of pre-application meeting or after the first formal submittal the CDS Director, County Manager, the Board of Adjustment, the Planning Commission, or the Board of County Commissioners may require the applicant to submit additional documents, not listed in the tables above, in response to unique circumstances or based upon information received from referral agencies or other sources.

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3. An applicant should review the submittal requirements with the CDS Department prior to submitting an application. A review of the submittal requirements can be accomplished by meeting with Staff and discussing the proposed application and by going through the Pre-Application Meeting Process.

4. The CDS Director may waive submittal requirements if he/she determines that the information would not materially aid in reviewing the application. Any such waiver shall be made via a written determination by the CDS Director.

5. All documents submitted for a referral process must be submitted electronically by the applicant. Should a referral agency request paper copies, the applicant is responsible for providing the requested number of paper copies and any postage to send referrals by mail. Upon approval of an application final paper copies of any deliverable may be requested by CDS or DPW.

6. The submittal requirements for the Pre-Application Meeting Process are listed in Article III. A. of these Regulations.

7. The submittal of notification materials may be required in accordance with this Section.

C. General Responsibilities

1. Applicant - Shall prepare plans and plats in accord with these Regulations, and shall process said plans/plats through the office of the Director of Community & Development Services and the Planning Commission.

2. County Departments - The County Community & Development Services (CDS) Director is given principle responsibility for reviewing submitted plats for proper compliance relevant to each department, submitting their comments and/or recommendations and findings to the Board of Adjustment, Planning Commission, and Board of County Commissioners through the CDS Director, when appropriate.

3. Board of Adjustments – Shall provide final review and jurisdiction on all proposals for variances to these Zoning Regulations.

4. Planning Commission - Shall evaluate proposed developments, rezonings, special uses, and other land uses and recommend approval, denial, or make suggestions on the request to the Board of County Commissioners, as specified in these regulations.

5. CDS Director - Shall advise the Planning Commission and Board of County Commissioners on the feasibility and concerns of developments proposed within the County, and to provide technical assistance on proposals made. In certain situations as specified in these Regulations shall provide final review on administrative decisions.

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6. Board of County Commissioners - Shall provide final review and adjudication on all appropriate land use application proposals as may be forwarded to them by the Planning Commission, Staff, and/or other agencies or individuals; and as specified in these Regulations.

7. Adequacy of Submittals Made to the County - When there are disagreements between the applicant and the CDS Director concerning the adequacy of submittals made, and any requested additional information, the CDS Director, upon written request of the applicant, or on his/her own initiative, may schedule a hearing time before the Board of County Commissioners, who shall make the final determination on the matter(s) disputed, prior to further processing on the request made to the County.

8. Concurrent Review - To expedite applications the applicant may initiate a request for concurrent review and consideration by the County of zoning and subdivision applications. Phasing and time allocations may vary, depending upon the type of submittal(s) made to the County by the applicant.

9. Staff Review - All applicants shall meet informally with the Community & Development Services Department Staff to discuss proposed developments, County regulations, and procedures, prior to making a formal submittal for review and processing.

10. When an application is made, Community & Development Services shall review the proposal and all supplemental information as expeditiously as possible. After Staff determinations are made, the applicant will be invited to the office for informal discussion of the Staff review made, and what is to be accomplished next. A written summary of Staff review will be made available to the applicant prior to the Planning Commission or Board of County Commissioners meeting, at which the request is to be heard, and made part of the project file.

11. Scheduling - No project shall be sent on referral, or scheduled for review by the Planning Commission or Board of County Commissioners until the application and required supplemental information are found to be complete by the Community & Development Services Department Staff.

12. Representation by Applicant - The applicant, or his/her authorized representative, shall attend all Planning Commission and/or Board of County Commissioners meetings, at which the proposal or request is considered, discussed and acted upon. If the applicant, or authorized representative, is unable to attend any scheduled meeting, he/she must submit a written petition requesting the proposal to either be tabled or continued and a new hearing date scheduled, stating reasons for tabling or continuing. Said request shall be submitted to Community & Development Services no later than four (4) working days before the scheduled meeting. The Planning Commission and/or Board of County Commissioners reserves the right to assess a fee (see fee schedule) or to deny the request.

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D. Referral Process for Land Use Applications

1. Intent. This section describes the procedures for obtaining referral comments from County and external agencies for land use applications. At the time of application submittal, the Community & Development Services Department (CDS) will provide these requirements to the applicant. This section does not supersede applicable State or Federal requirements.

2. Applicability.

(a) Development proposals requiring referral notice include but are not limited to the following categories of land use applications:

(1) Site Development Plan / EDZ Site Development Plan

(2) Special Use by Review

(3) Rezoning

(4) Variance

(5) At the time of Pre-Application Meeting the Director of CDS may determine that other processes require a referral notice.

(6) Referral periods shall be twenty-one (21) days. Subsequent referral periods after the first referral period shall be fourteen (14) days. Unique referral periods may be specified and required by written agreement with a certain referral agency.

3. Procedure.

(a) For proposed development applications requiring a referral notice, CDS shall require a referral notice be sent to the required and discretionary referral agencies via first class U.S. mail or by electronic delivery via email or other means.

(1) Required referral agencies are identified in each land use application's process requirements.

(2) Other agencies may be sent referral notice at the discretion of CDS at the time of referral.

(b) The referral notice shall include a request for comment, a comment form, and a copy of the relevant application materials for each review agency. Reference Article II.F.4.

(c) The CDS Director shall use best efforts to distribute referral notices. Failure of a referral agency to receive a referral notice shall not constitute

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inadequate notice, and shall not delay scheduling or conducting public hearings or administrative decisions.

(d) A referral agency may comment on development proposals within the referral period. Upon written request, a referral agency may request a referral period extension to be approved at the discretion of CDS.

(e) A referral agency's failure to respond during the referral period implies that the agency has no objections to the proposal. The CDS Director will consider all non-responses as non-objections after best efforts to obtain a response.

(f) Referral agency comments will be summarized and provided to applicants by CDS after the end of each referral period and provided to the deciding and reviewing bodies for their consideration in the disposition of the application.

E. Public Notice Requirements for Land Use Applications

1. Intent. This section describes the public hearing notification requirements for land use applications. At the time of application submittal, the Community & Development Services Department (CDS) will provide these requirements to the applicant. This section does not supersede any applicable State or Federal requirements.

2. Applicability.

(a) Notice of public hearing and administrative decisions is required for the zoning and land use applications identified in the following table. Notice may be required by newspaper publication, sign posting, and/or mailings. The day of the hearing or decision day shall be included in the number of days required in advance of the hearing or decision or postmark date on a mailing.

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Land Use Application	Newspaper Publication (days)	Sign Posting (days)	Mailed Notice (distance, days)
Community Meeting	N/A	14	1320', 14 days
Rezoning (Owner Initiated)	14	14	1320', 14 days
County Initiated Rezoning	14 & once weekly for three (3) consecutive weeks	N/A	N/A
Special Use by Review	14	14	1320', 14 days
Minor Special Use & Amended Special Use	N/A	14	1320', 14 days
Temporary Use Permit	N/A	14	1320', 14 days
Major Variance	14	14	1320', 14 days
Minor Variance	N/A	N/A	1320', 14 days
Site Development Plan	N/A	14	1320', 14 days
EDZ Site Development Plan	14	14	1320', 14 days
Amendments to the Zoning Regulations	30	N/A	N/A

3. Newspaper Publication Procedure:

(a) When required, the applicant is responsible to ensure that a notice of public hearing shall be published in the designated newspaper of record and any other paper as specified by the CDS Director.

(b) Once meeting, hearing or decision dates are confirmed, CDS staff shall prepare notice language based on the Newspaper Publication Template.

(c) The applicant shall submit the approved notice language to the newspaper of record for publication by the appropriate deadline for the required publication(s).

(d) The applicant must obtain an affidavit of publication and provide it to CDS staff no less than seven (7) days in advance of the first public hearing or administrative decision. Failure to provide completed affidavit of posting may result in rescheduling and re-noticing of hearings or decision.

(e) Newspaper publication shall be based upon the following templates:

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(1) Newspaper Publication for Public Hearings

NOTICE OF PUBLIC HEARING

FOR _____ (Project Type)

(CASE NUMBER _____)

NOTICE IS HEREBY GIVEN THAT PROPERTY LOCATED AT **(PROPERTY ADDRESS)** SHALL BE CONSIDERED FOR A **(TYPE OF CASE),** PURSUANT TO ELBERT COUNTY REGULATIONS.

THE HEARING IS TO BE HELD BEFORE THE PLANNING COMMISSION ON THE_____DAY OF _____ (MONTH), _____ (YEAR), IN THE ELBERT COUNTY BUILDING, COMMISSIONERS' BOARD ROOM, 215 COMANCHE STREET, KIOWA, COLORADO, AT ____ A.M./P.M., OR AS SOON THEREAFTER AS POSSIBLE.

- AND -

THE HEARING IS TO BE HELD BEFORE THE BOARD OF COUNTY COMMISSIONERS ON THE_____DAY OF _____ (MONTH), _____ (YEAR), IN THE ELBERT COUNTY BUILDING, COMMISSIONERS' BOARD ROOM, 215 COMANCHE STREET, KIOWA, COLORADO, AT _____ A.M./P.M., OR AS SOON THEREAFTER AS POSSIBLE.

CONTACT ELBERT COUNTY COMMUNITY & DEVELOPMENT SERVICES FOR MORE INFORMATION: 303-621-3185

{legal description}

(2) Newspaper Publication for Administrative Decisions

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NOTICE OF ADMINISTRATIVE DECISION

FOR _____ ***(Project Type)***

(CASE NUMBER _____)

NOTICE IS HEREBY GIVEN THAT PROPERTY LOCATED AT (**PROPERTY ADDRESS)** SHALL BE CONSIDERED FOR A **(TYPE OF CASE),** PURSUANT TO ELBERT COUNTY REGULATIONS.

AN ADMINISTRATIVE DECISION WILL BE MADE BY THE DIRECTOR OF COMMUNITY & DEVELOPMENT SERVICES ON THE REFERENCED APPLICATION BY

DATE:

CONTACT ELBERT COUNTY COMMUNITY & DEVELOPMENT SERVICES FOR MORE INFORMATION: 303-621-3185

{legal description}

(3) The newspaper notice for land use applications shall be accompanied by a valid legal description of the property upon which the land use action is proposed.

(4) Newspaper Publication for Amendments to the Zoning Regulations

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PROPOSED AMENDMENT TO THE ELBERT COUNTY ZONING REGULATIONS IS SCHEDULED FOR A PUBLIC HEARING.

THE HEARING IS TO BE HELD BEFORE THE PLANNING COMMISSION ON THE_____DAY OF _____ (MONTH), _____ (YEAR), IN THE ELBERT COUNTY BUILDING, COMMISSIONERS' BOARD ROOM, 215 COMANCHE STREET, KIOWA, COLORADO, AT ____ A.M./P.M., OR AS SOON THEREAFTER AS POSSIBLE.

AND

THE HEARING IS TO BE HELD BEFORE THE BOARD OF COUNTY COMMISSIONERS ON THE_____DAY OF _____ (MONTH), _____ (YEAR), IN THE ELBERT COUNTY BUILDING, COMMISSIONERS' BOARD ROOM, 215 COMANCHE STREET, KIOWA, COLORADO, AT _____ A.M./P.M., OR AS SOON THEREAFTER AS POSSIBLE.

CONTACT ELBERT COUNTY COMMUNITY & DEVELOPMENT SERVICES FOR MORE INFORMATION: 303-621-3185

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4. Sign Posting Procedure:

(a) When required, the applicant is responsible to ensure a notice of a meeting or public hearing shall be posted on a sign on the subject property or visible from the nearest adjacent public right-of-way, but not within the right-of-way.

(b) Once meeting or hearing dates are confirmed, CDS staff shall create the notice sign(s). CDS staff shall determine the number of and posting location of the sign(s). The Applicant shall post the sign(s) in the approved locations in accordance with the Sign Posting Requirements.

(c) The applicant shall obtain the sign(s) from CDS and pay any applicable fees for said sign(s).

(d) The Applicant shall post the approved sign(s) in the approved location(s) within the timeframes specified in the table above.

(e) The Applicant shall provide the affidavit of posting, with legible photo, to CDS staff no less than seven (7) days in advance of the first public hearing or administrative decision. Failure to provide completed affidavit of posting may result in rescheduling and re-noticing of hearings or decision.

(f) Signs shall be removed within two (2) weeks of the conclusion of all notified meetings, public hearings or decisions. Signs not removed within two (2) weeks may be removed by Elbert County, subject to reasonable charges for removal.

(g) Sign Specifications:

(1) Each sign shall be no less than three feet (3') tall by four feet (4') wide erected on posts no lower than three feet (3') above natural grade and legible from an adjacent public right-of-way or private road or access.

(2) If the property is not adjacent to a public right-of-way, the sign shall also be placed adjacent to the nearest public right-of-way at a location to be determined by CDS. Signs shall be placed on private property and not in the public right-of-way.

(h) Applicants shall attach the following notarized certification related to the sign position(s).

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Notarized Certification:

I hereby certify under oath that the required notice sign(s) was/were posted on the subject property for 14 consecutive days as required by the Elbert County Zoning Regulations

_____(Day), _____(Month), _____(Year), Initial day of posting

_____

_____Signature_____

Date

State of Colorado)
) ss.
County of_____)
Subscribed and sworn before me this_____day of_____20__
_____by_____.

5. Mailed Notice Procedure

(a) When required, the Applicant is responsible to ensure a notice of public hearing or administrative decision is sent to adjacent and nearby property owners, as specified in the table above.

(b) At time of formal application submittal, the Applicant shall obtain a list and a map of surrounding property owners from the Elbert County Assessor's Office or other appropriate County department that maintains the parcel ownership database. The list and map shall include all property owners per the distances identified in the table above.

(c) The list's title should reference the name of the proposal and the application type, and shall include:

(1) Names and mailing addresses of property owners.

(2) Assessor's schedule numbers for each parcel.

(d) Applicants shall submit the list, 11 by 17 inch map showing each property required to be notified to the CDS Department no less than ten (10) and not more than fifteen (15) days in advance of a newspaper notice deadline or the sign posting deadline. Failure to provide completed affidavit of mailing will result in rescheduling of hearings or decision.

(e) Mailing Notice Template

(1) Mailing Notice Template for Community Meetings

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NOTICE OF COMMUNITY MEETING

(Date)
(Addressee)

Please be informed that the land use proposal described below has been submitted to Elbert County for a preliminary review. This notice is being sent to nearby property owners, and applicable Homeowner's Associations in order to encourage public participation in the review process. As your comments are valuable to use, we hope that you will attend this community meeting.

Date of Community Meeting: _____

Time of Community Meeting: Start Time: Finish Time: _____

Location of the Community Meeting: _____

Address of Location: _____

Project Name: _____

Address of Project: _____

Case Manager: _____Phone #: _____

E-mail: _____

Project Description:

_____

_____

_____

Sincerely,

_____
Applicant/Representative

For further information, please contact _____(applicant/owner) at _____.

(Attach a Vicinity Map of the subject property for the proposed land use request.)

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(2) Mailing Notice Template for Public Hearings

NOTICE OF PUBLIC HEARING

(Date)
(Addressee)
(Case #)

Please be advised that on behalf of ***(owners name), (applicant)*** has made application to Elbert County for a ***(project type)*** on the above referenced property.

(Description of the site and the uses proposed, in simple, concise language, without unexplained abbreviations.)

A public hearing will be conducted on the referenced application by the:

Planning Commission on (____Date:_____) at (___Time:___)

Board of County Commissioners on (_____Date:_____) at (___Time:___)

Location: Elbert County Building, Board Hearing Room, 215 Comanche Street, Kiowa, Colorado.

As a neighboring landowner and member of the public you are encouraged to attend this public hearing. To review the full application, contact the Elbert County CDS Department, Elbert County Government, at (303) 621-3185.

Sincerely,

(Name) ***(Representative Capacity)***

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(3) Mailing Notice Template for Administrative Decisions

NOTICE OF ADMINISTRATIVE DECISION

(Date)
(Addressee)
(Case #)

Please be advised that on behalf of ***(owners name), (applicant)*** has made application to Elbert County for a ***(project type)*** on the above referenced property.

(Description of the site and the uses proposed, in simple, concise language, without unexplained abbreviations.)

An administrative decision will be made by the Director of Community & Development Services will be made on the referenced application by:

(____Date:____)

Location: Elbert County Building, Board Hearing Room, 215 Comanche Street, Kiowa, Colorado.

As a neighboring landowner and member of the public you are encouraged to submit comments concerning this application. To review the full application, contact the Elbert County CDS Department, Elbert County Government, at (303) 621-3185.

Sincerely,

(Name) ***(Representative Capacity)***

(f) Once the notice language is completed by CDS, the Applicant shall send the notice by First Class Mail to the identified property owners by the appropriate deadline.

(g) The Applicant shall provide the affidavit of mailing to CDS staff no less than seven (7) days in advance of the first public hearing or administrative decision. Failure to provide completed affidavit of mailing will result in rescheduling of hearings or decision.

(h) Applicants shall attach the following notarized certification related to the mailing.

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Notarized Certification:

I hereby certify under oath that the attached letter was mailed to all property owners, postmarked no later than:

_____(Day), _____(Month), _____(Year), as described in the mailing list included with this application and on file with the CDS Department.

_____

Signature

Date

State of Colorado)
) ss.
County of_____)
Subscribed and sworn before me this_____day of_____20__
_____by_____.

6. Mineral Notice. Applicants shall fulfil all requirements of Colorado State Statues pertaining to notification of surface development to mineral interest holders. An affidavit shall be submitted no more than seven (7) days in advance of the first public hearing or administrative decision.

F. Submittal Process

The following steps shall be followed in submitting a land use application, as specified in each application's section in these Regulations:

1. **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. CDS should be contacted for submittal requirements. A CDS Case Planner will be assigned after the Pre-Application Meeting is held.

2. **Community Meeting**. Applicants are required to conduct a community meeting prior to submitting a Rezoning application and certain Special Use applications. This meeting must be conducted in the general vicinity of the property involved in the 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 shall consider if they can adjust their application related to community input in the formal application. The presentation at the community meeting is the responsibility of the applicant. A member of the CDS Department staff will attend the meeting to address procedural matters only. The Applicant will be responsible for notifying adjacent property owners in accordance with these Regulations.

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3. **Formal Application Submittal.** The applicant shall submit the completed application, fees, and required supporting documents in quantities identified by the CDS Department. The CDS Department staff 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 and will be deemed incomplete until all required submittal items are provided.

4. **Referral.** The CDS Department will refer the application and support documents to County Departments and other referral agencies as identified by the CDS Department. The referral agencies will respond in writing to the applicant's submittal. The CDS Department will collect all referral comments.

5. **Provide Comments to the Applicant.** A summary of referral comments will be forwarded to the applicant. A meeting between the CDS Department 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 CDS Department should be included in any meetings with referral agencies.

6. **Applicant Responds to Comments.** The applicant shall address, in writing, all issues and deficiencies identified by the CDS Department, 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 CDS Department, other County departments, and any applicable outside agencies as quickly as possible. <u>If there is no written response and a complete resubmittal package to staff comments within one hundred and twenty (120) calendar days after referral comments are provided to the applicant, the application will be considered withdrawn and the application fees forfeited.</u> The applicant shall then need to file a new application with the required fees and documents. The CDS Director may extend this one hundred and twenty (120) day maximum response deadline for an additional one hundred and twenty (120) 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 CDS Director, shall require approval by the County Manager.

7. **Staff Review of Revised Submittal.** Staff may utilize multiple referrals if necessary to determine the application is satisfactory for review before the Planning Commission and Board of County Commissioners. 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, as enumerated on the current fee schedule.

8. **Public Hearing Documents Submittal.** At such time as the CDS Department deems the application ready for public hearings, or the applicant advises the CDS Department in writing that no further revisions will be made, and the applicant desires to

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proceed to public hearings (likely with unresolved issues) the applicant shall submit all documents requested by the CDS Department necessary for the public hearings and the CDS Department shall then schedule the case to the next available agenda.

9. **Planning Commission and Board of County Commissioners' Public Hearings Scheduled.** Following the submittal of all required public hearing documents, the CDS Department will schedule Planning Commission and Board of County Commissioners' (or Board of Adjustments in the case of Variance) 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 fourteen (14) days after Planning Commission recommendation, unless waived by the County Manager.

10. **Public Hearing Notification.** The applicant will be responsible for posting the "Notice of Public Hearing" sign on the subject property, publishing the "Notice of Public Hearing" in a newspaper of general circulation, and preparing the mailing for the "Notification of Adjacent Property Owners" letters, per the requirements of these Regulations.

11. **Planning Commission Public Hearing.** The Planning Commission shall review the request, staff report, other evidence, and public testimony during one or more public hearings. The Planning Commission shall recommend approval, conditional approval, or denial of the application(s) to the Board of County Commissioners. The Planning Commission may continue a request for a period of time not to exceed three (3) months from the completion of the presentation by the applicant at a public hearing.

12. **Board of Adjustments Public Hearing.** For a Variance, the Board of Adjustments shall review the request, staff report, other evidence, and public testimony during one or more public hearings. Upon conclusion of the presentation of testimony and evidence in the hearing(s) before the Board of Adjustments, the Board may render a decision which approves, conditionally approvals, or denies the application; unless the Board continues the case for further testimony and/or decision for a period of time not to exceed three (3) months from the date of the scheduled hearing.

13. **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 application; unless the Board continues the case for further testimony and/or decision for a period of time not to exceed three (3) months from the date of the scheduled hearing.

14. **Decision Documents Submittal.** For administratively approved applications, at such time as the CDS Department deems the application ready for decision, or the applicant advises the CDS Department in writing that no further revisions will be made, and the applicant desires to proceed to the administrative decision, the applicant shall

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submit all documents requested by the CDS Department necessary for the administrative decision.

15. **Administrative Decision Notification**. The applicant will be responsible for posting the "Notice of Administrative Decision" sign on the subject property, publishing the "Notice of Administrative Decision" in a newspaper of general circulation, and preparing the mailing for the "Notification of Adjacent Property Owners" letters, per the requirements these Regulations.

16. **Administrative Decision**. If additional revisions are required to comply with County standards, the CDS Department will return a letter to the applicant identifying the revisions that must be made in order to gain Staff support for the proposal. The CDS Director shall review the request and staff recommendation and approve, approve with conditions, or deny the application. If the application includes a subdivision or development improvements agreement, upon approval by the CDS Director, the Chairman of the Board of County Commissioners shall be authorized to sign the agreement and place the agreement of record. An approval by the CDS Director may be subject to the applicant meeting certain conditions before the issuance of any building permits.

17. Recordation of Rezone Exhibit, Planned Unit Development Exhibit, or Special Use Exhibit.

(a) Not more than one hundred and eighty (180) days after approval of a Rezone, PUD, or Special Use application the applicant shall satisfy the "conditions of approval".

(b) The applicant shall submit a digital copy of the final Rezone Exhibit, Planned Unit Development Exhibit, or Special Use and the CDS Department shall provide the applicant with a digital copy which indicates either acceptance or required changes necessary to the Graphic. Once the CDS Department accepts the Exhibit, the applicant shall prepare and deliver two (2) Mylar copies, with recordation fees to the CDS Department for recordation.

(c) The Rezone Exhibit or Special Use Exhibit shall be recorded in the records of the Elbert County Clerk and Recorder. A final electronic or paper check print shall be submitted to CDS prior to printing final copies on mylar. Upon approval by CDS, two (2) copies printed on mylar with the appropriate recording fee shall be submitted to CDS. The mylar shall be signed by all non-County agencies prior to submittal. CDS shall obtain the final County signatures and record the mylar after verification that the conditions of approval have been satisfied.

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(d) If the Exhibit is not ready for sign-off within the one hundred and eighty (180) day period, the approval shall automatically be rescinded as of the last day of the one hundred and eighty (180) day period.

(e) The applicant may make written request, (prior to the 180th day), to the CDS Director for an extension of ninety (90) days in which to satisfy the "conditions of approval" for sign-off, 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".

(f) If the "conditions of approval" are not satisfied during the ninety (90) day extension period, approval shall automatically be rescinded as of the last day of the extension period (270th day).

(g) Upon written request within thirty (30) days of the expiration date by the applicant, the Board of County Commissioners may reinstate approval, however, the application will now be subject to a reinstatement fee [Refer to fee schedule] and concurrence with any Comprehensive Plan updates and regulation updates that may have occurred since the project was initiated.

(h) The applicant, at this point, shall be required to resubmit the application to the Planning Commission and Board of County Commissioners for potential approval at duly noticed public hearings. Written justification for failure to complete the "conditions of approval", must accompany the resubmitted application and will be taken into account at the hearings.

(i) Following expiration of the reinstatement period, only a new application and new fees would be accepted for processing.

G. Appeals

1. Appeal of Decision. A decision of the CDS Director to deny a land use application (other than a Minor Variance) may be appealed to the Planning Commission. The decision of the Planning Commission may be appealed to the Board of County Commissioners. A written appeal must be submitted to the County Manager within thirty (30) days of the date of the decision of denial. The foregoing does not apply to CDS Director Denials of Minor Variances, which shall be appealed to the Board of Adjustments.

2. Appeal of Determination. A determination of the CDS Director may be appealed to the Planning Commission. A written appeal must be submitted to the CDS Director within thirty (30) days of the date of the determination. The decision of the Planning Commission may be appealed to the Board of County Commissioners. An appeal of a determination may be brought by the requester of the determination.

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H. General Considerations for Every Application

1. In addition to the specific minimum design standards set forth herein, and as discussed in the Elbert County Comprehensive 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:

(a) 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
- Population
- Water use
- Water/Sewer
- Open Space
- Agricultural lands

(b) 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

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ARTICLE III. SPECIFIC PROCESSES

A. Pre-application Meeting

1. Intent and Purpose. Prior to the formal submittal and review of applicable land use applications, an applicant shall meet with the CDS Department staff to determine if the applicable zoning and subdivision process for the specific development. CDS shall also review the procedure and submittal requirements necessary to process the requested application. The review by staff is intended to provide the type of information that will assist an applicant in making key decisions about the development proposal prior to making application. The Pre-application Meeting will also assist the applicant in gaining a more thorough understanding of the County's process and issues relative to the land use request.

2. Procedure:

(a) The applicant shall submit a complete pre-application package to CDS with the information identified in this section. Application shall be made as one (1) paper copy of the information requested as well as one (1) digital copy submitted on disc or flash-media device.

(b) Upon receipt of the pre-application, CDS shall review the documentation for completeness. When the application is deemed 'complete', CDS will schedule a pre-application meeting. CDS should use best efforts to invite the applicable fire protection district to the pre-application meeting.

(c) Once the pre-application period has ended, the CDS Department summarizes the notes from the pre-application meeting and delivers them to the applicant within fourteen (14) days after the meeting. The summary notes will also provide a list of steps and submittal items needed to submit the formal application as well as an outline of the required fees.

3. Submittal Requirements:

(a) Completed pre-application form

(b) Written summary of the request (cover letter)

(c) Vicinity Map identifying the location of the subject property

(d) Deed or other proof of ownership

(e) A Sketch Plan document identifying specific site issues related to the particular development. This information may include but is not limited to:

(1) Location of proposed improvements

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(2) Access, circulation, and traffic improvements;

(3) Parking;

(4) Lighting;

(5) Storm water drainage, detention, and proposed sanitation facilities

(f) Pre-application meeting fee

B. Community Meeting

1. Intent and Purpose. Specific types of land use applications require a Community Meeting to inform neighboring and affected property owners and any known homeowner's associations in the vicinity of a proposed land use change. The Community Meeting provides an opportunity for the applicant to answer any community concerns about the proposal and to solicit community input early in the application process. The required Community Meeting must occur prior to formal submittal of the subject land use application and holding the meeting is the responsibility of the applicant. The following requirements must be satisfied prior to submittal of certain formal applications being accepted by Elbert County.

2. Application.

(a) A Community Meeting shall be held prior to any application for Rezoning or Special Use by Review.

(b) Should the applicant feel that a Community Meeting is not necessary for a proposal, the applicant may submit a written waiver request to the CDS Director. The request to waive the community meeting requirement shall include the reason(s) why relief from this requirement should be granted. Waiver requests may be approved at the discretion of the CDS Director prior to formal application submittal and the CDS Director must notify the County Manager and the Board of County Commissioners of such decision. Under no circumstances may a Community Meeting for a Rezoning be waived.

3. Procedure Prior to the Community Meeting (reference Article II.F.2.).

(a) Location Selection. The applicant shall be responsible for arranging the date, time, and location of the Community Meeting. The meeting location should be in the general vicinity of the subject property. Coordination with the CDS Department is required prior to reserving a community meeting date and location to confirm if the CDS Staff is available to attend the community meeting.

(b) Notification. The applicant shall provide notice according the notification provisions of these Regulations.

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(c) Conducting the Community Meeting

(d) The applicant shall provide the opportunity for meeting attendees to leave their name, address, email, and phone number.

(e) Introduce the Community Meeting - The introduction shall include the purpose of the meeting and the identification of the facilitator, applicant, CDS staff, and any community group representatives. The facilitator will outline the time frames involved with the meeting and indicate when the meeting is to conclude.

(f) Present the Proposal - The applicant will provide an overview of the proposed land use application and how the existing land uses and/or zoning will change. The applicant should discuss the various ways to mitigate impacts on the community.

(g) Monitor the Asking/Answering of Questions - Allow community members to ask questions and provide the applicant an opportunity to respond to the questions from those in attendance.

(h) Record Comments and Concerns - Keep a written record of the questions asked by the community. If agreements are reached between the applicant and the community, those should be incorporated into the formal application.

(i) Conclude the Meeting - Summarize community concerns and how those concerns will be addressed, state the applicant's next steps, provided information on how the community can contact the applicant.

4. Post Community Meeting. Following the community meeting, the applicant shall provide the CDS Department with a copy of the sign-in sheets and any meeting notes. The applicant shall incorporate feedback and input that addresses community concerns into the formal land use application. The applicant shall work with the CDS Department to determine the submittal requirements for the formal application.

C. Rezoning

1. Intent and Purpose. The Rezoning process is 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. Rezoning shall mean a revision to the zoning district of a specified property. 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 customized standards, conservation communities, or any number of single-family attached and/or multi-family units shall be considered only as a Planned Unit Development (PUD) and

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are subject to Elbert County Design Guidelines for Residential Development. The Design Guidelines are included within the Elbert County Zoning Regulations (Article VIII). Rezoning requests may be initiated by the Board of County Commissioners, Planning Commission, Board of Adjustments (see Article II.D.) or the owner of the parcel of land in question.

2. Application.

(a) The following procedure, requirements and criteria shall apply to Rezoning applications.

(b) A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.

(c) Notification is required in accordance with the notification provisions of these Regulations.

3. Rezoning Review Process (Refer to Article II.F.):

(a) Pre-Application Meeting

(b) Community Meeting

(c) Formal Rezoning Application Submittal

(d) Referral

(e) Provide Comments to the Applicant

(f) Applicant Responds to Comments

(g) Staff Review of Revised Submittal

(h) Public Hearing Documents Submittal

(i) Planning Commission and Board of County Commissioners' Public Hearings Scheduled

(j) Public Hearing Notification

(k) Planning Commission Public Hearing

(l) Board of County Commissioners' Public Hearing

(m) Recordation of Rezone Exhibit

4. Review Criteria. The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Rezoning applications:

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(a) Whether the proposed rezoning conforms to and is generally consistent with the goals and policies of the Elbert County Comprehensive Plan.

(b) Whether the proposed rezoning is compatible with surrounding land uses.

(c) Whether the proposed rezoning would adversely impact the provision of public services.

(d) Whether the proposed rezoning would adversely impact the environment.

(e) Whether the proposed rezoning would create unreasonable traffic congestion or burden the existing road system without improvements.

(f) Whether the proposed rezoning will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

5. Submittal Requirements

(a) Refer to Article II.B. for the required submittal items.

6. The Rezone Exhibit shall be prepared as follows:

(a) All sheets shall be 24" x 36" format;

(b) A margin, at least one inch (1") on all sides, except the left-hand margin shall be a minimum of two inches (2");

(c) The name of the Rezone Exhibit, centered on the upper portion of each sheet;

(d) The sheet number in the lower right hand corner of each sheet (Sheet 1 of __);

(e) Case# in the upper right corner of each sheet;

(f) Signature blocks and Certifications for CDS Director, Planning Commission, Board of County Commissioners, Clerk & Recorder, and Owner;

(g) Rezone Exhibit notes and information shall be included on the first sheet of the Rezone Exhibit, with lettering being a minimum font size of twelve (12) point.

(h) 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 if not platted;

(i) Vicinity Map – A vicinity map shall be provided that locates the parcel in the County. The vicinity map shall clearly show the boundaries of the subject

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property, major roads within one (1) mile of the subject property and the proposed access to the property;

(j) Names, addresses, and phone number of owner, representative, and individual/firm preparing the document;

(k) 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 Number and/or Book Number and Page Number, if applicable), etc.;

(l) 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 Rezone. 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"

(m) Applicability Statement (to be included on the first page of the Rezoning 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."

(n) 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;

(o) Existing zoning, land uses, and owner's name and addresses shall be indicated for adjacent properties;

(p) Existing easements shall be shown on the site plan with reception number and/or book and page reference, their purpose, their benefiting party, and whether or not the easement will remain on the subject property;

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(q) 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;

(r) Topography of the site shall be shown at two foot (2') contour intervals unless other intervals are approved by the CDS Director. Areas of twenty percent (20%) slope or greater shall be noted;

(s) 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;

(t) All natural and man-made water courses, detention areas, streams/creeks, and lakes shall be shown. Any 100-year (1%) flood plains affecting the property shall be indicated;

(u) No-build areas that restrict building in hazardous areas shall be indicated; and

(v) Significant treed areas on the subject property shall be indicated.

D. County Initiated Rezoning Review Process

1. Intent and Purpose. The Board of County Commissioners, Planning Commission, or the Board of Adjustments may, at any time, direct the CDS 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 these regulations. 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 the Community & Development Services Department to initiate an amendment to a property's zoning, by parcel number or legal description. In the case of a rezoning to an overlay zone district, a general description of an area or corridor may be substituted. A CDS Case Planner shall be assigned to the application.

(b) Referral.

(c) Public Hearing Documents Submittal. At such time as the CDS Department deems the application ready for public hearings, the CDS Department shall collect all documents necessary for the public hearings.

(d) Planning Commission and Board of County Commissioners' Public Hearings Scheduled.

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(e) Public Hearing Notification. The CDS Department will be responsible for preparing and publishing for three (3) consecutive weeks the "Notice of Public Hearing" in a newspaper of general circulation, per the requirements of these regulations.

(f) Planning Commission Public Hearing.

(g) Board of County Commissioners' Public Hearing.

(h) Recordation of the Rezone Exhibit. Not more than thirty (30) days after approval of the Zoning change, the CDS Department 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.

E. Special Use by Review

1. Intent and Purpose. The purpose of this section is to outline the steps for obtaining a Special Use by Review, also known as a special use permit. Special Uses by Review (SUR) are those uses that are considered to be compatible, and typically found, within the subject zone district, but which, because of their potential impacts require more discretionary review than those uses which are authorized as permitted uses by right. In addition to meeting applicable performance standards, a SUR may require the imposition of conditions in order to ensure the number of SURs and their location, design, and configuration are appropriate at a particular location during the duration of operation or use in order to protect the health, safety and welfare of the County and inhabitants of the area. Special Uses by Review are revocable if conditions of approval and standards are not upheld.

2. Application.

(a) The following procedure, requirements and criteria shall apply to Special Use by Review applications, as indicated in Article V of these Regulations.

(b) A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for the Special Use by Review process.

(c) Notification is required in accordance with the notification provisions of these Regulations.

3. Special Use by Review Permit Process (Refer to Article II.F.)

(a) Pre-Application Meeting

(b) Community Meeting. A Community Meeting may be required prior to Formal Submittal, at the discretion of the CDS Director. The CDS Director shall take into consideration existing land use patterns and other allowable uses in the

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general area of the proposal. A decision shall be provided to the Applicant at the time of the Pre-Application Meeting.

(c) Formal Special Use Application Submittal

(d) Referral

(e) Provide Comments to the Applicant

(f) Applicant Responds to Comments

(g) Staff Review of Revised Submittal

(h) Public Hearing Documents Submittal

(i) Planning Commission and Board of County Commissioners' Public Hearings Scheduled

(j) Public Hearing Notification

(k) Planning Commission Public Hearing

(l) Board of County Commissioners' Public Hearing

(m) Recordation of Special Use Exhibit

4. General Standards

(a) All Special Use by Review permits are subject to annual review or as specified by the Board of County Commissioners. The CDS Department will review the permit for verification of allowed use and compliance with stipulations, if any.

(b) Special Use by Review permits shall "run with the land" and are applicable to the property specified in the original approval, unless otherwise stipulated.

(c) If any Special Use by Review permit is found to be in violation of conditions of approval or standards of these Regulations (as applicable when the permit was approved), or the use has changed or has been discontinued for 90 days, the CDS Department may request a public hearing with the Planning Commission and then the Board of County Commissioners, to determine the validity of the permit in regard to modification, continuation or termination.

(d) The commencement of the Special Use must occur within the first year of approval or within a specific time period as determined by the Board of County Commissioners and specified by resolution. Failure to initiate the allowed use may be cause for termination of the Special Use permit.

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(e) The provisions and uses outlined in this section shall not apply to the Planned Unit Development (PUD) zone district. Provisions for these uses shall be contained in an approved Development Guide as described in these Regulations. In the absence of a Special Use provision in a PUD and Development Guide, these regulations shall prevail.

(f) Proposals shall meet all development standards for the zone district in which the proposal is located in addition to any supplemental use standards.

(g) Expansion or changes to an existing Special Use by Review permit may trigger the requirement to amend a special use permit.

5. Special Use by Review

The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Special Use by Review applications, and by the CDS Director in reviewing Special Use by Review applications:

(a) The use is in harmony and compatible with the surrounding area and neighborhood;

(b) The use will not have an undue burden on available infrastructure;

(c) The use will not unduly increase traffic congestion or burden the existing road system;

(d) The use will not cause significant air, odor, water, noise, or light pollution;

(e) All sanitation requirements will be met;

(f) The use will be adequately landscaped, buffered, and screened;

(g) The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Elbert County; and

(h) Supplemental Standards are met for specific uses, as applicable.

6. Submittal Requirements

(a) Refer to Article II.B. for the required submittal items.

7. The Special Use Exhibit shall be prepared as follows:

(a) All sheets shall be 24" x 36" format;

(b) A margin, at least one inch (1") on all sides, except the left-hand margin shall be a minimum of two inches (2");

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(c) The name of the Special Use Exhibit, centered on the upper portion of each sheet;

(d) The sheet number in the lower right hand corner of each sheet (Sheet 1 of __);

(e) Case# in the upper right corner of each sheet;

(f) Signature blocks and Certifications for CDS Director, Planning Commission, Board of County Commissioners, Clerk & Recorder, and Owner;

(g) Notes and information shall be included on the first sheet of the Exhibit, with lettering being a minimum font size of twelve (12) point;

(h) 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 if not platted;

(i) Vicinity Map – A 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 one (1) mile of the subject property and the proposed access to the property;

(j) Names, addresses, and phone number of owner, representative, and individual/firm preparing the document;

(k) Plans are to be prepared at a scale of 1"=50', 1"=100' or another scale approved by the CDS Director which allows for maximum clarity of the proposal;

(l) Name of the proposed development and submittal phase centered at the top of the sheet;

(m) North Arrow and Scale - North arrows shall be indicated on the Special Use Exhibit site plan and the location map. In addition, the scale shall be indicated and a bar scale provided for the site plan;

(n) Existing zoning, land uses, and owner's name and addresses shall be indicated for adjacent properties;

(o) Existing easements shall be shown on the site plan with reception number and/or book and page reference, their purpose, their benefiting party, and whether or not the easement will remain on the subject property;

(p) 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

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structures will remain on the subject property. Note total building coverage percent (%) and square footage;

(q) Topography of the site shall be shown at two foot (2') contour intervals unless other intervals are approved by the CDS Director. Areas of twenty percent (20%) slope or greater shall be noted;

(r) 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;

(s) All natural and man-made water courses, detention areas, streams/creeks, and lakes shall be shown. Any 100-year (1%) flood plains affecting the property shall be indicated;

(t) 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;

(u) No-build areas that restrict building in hazardous areas shall be indicated;

(v) Significant treed areas on the subject property shall be indicated;

(w) Location and dimension of required off-street parking and loading areas. Note the total number of parking spaces provided;

(x) Delineate public and private roadways, right-of-way, street names and points of access on or adjacent to the proposed site. Dimension and note surface material; and

(y) Development Standards shall be provided on the cover of the Exhibit.

8. The Special Use Narrative shall contain an explanation of the proposal and how it meets the following:

(a) The use is in harmony with the character of the neighborhood and compatible with the surrounding area;

(b) The use will not have an undue burden on available infrastructure;

(c) The use will not result in undue traffic congestion or traffic hazards;

(d) The use will not cause significant air, odor, water, noise, or light pollution;

(e) All sanitation requirements will be met;

(f) Parking is adequately provided, when appropriate;

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(g) The use is adequately buffered and screening is provided, when appropriate;

(h) The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Elbert County; and

(i) Additional activity-specific supplemental standards may be applied to specific uses. Refer to Article V of these Regulations and provide a response to additional criteria if the proposed use is listed.

F. Minor Special Use by Review Procedure

1. Intent and Purpose. The purpose of this section is to outline the steps for obtaining a Minor Special Use by Review permit (Minor SUR). Minor Special Use by Review permits are reviewed and approved administratively by the CDS Director in accordance with the Special Use by Review criteria.

2. Application.

(a) The following procedure, requirements and criteria shall apply to Minor Special Use by Review applications as indicated in Article V of these Regulations.

(b) A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for the Minor Special Use by Review process.

(c) Notification is required in accordance with the notification provisions of these Regulations.

3. Minor Special Use by Review Procedure:

(a) Pre-Application Meeting

(b) Community Meeting

(c) Formal Minor Special Use by Review Application Submittal

(d) Referral

(e) Provide Comments to the Applicant

(f) Applicant Responds to Comments

(g) Staff Review of Revised Submittal

(h) Decision Documents Submittal

(i) Administrative Decision Notification

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(j) Administrative Decision

(k) Recordation of Minor Special Use by Review Exhibit

4. Submittal Requirements

(a) Refer to Article II.B. for the required submittal items.

5. The Minor Special Use Exhibit shall be prepared in accordance with the Special Use Exhibit requirements.

G. Site Development Plan

1. Intent and Purpose. The Site Development Plan (SDP) process is an administrative process established to ensure that proposed developments comply with applicable land use approvals, regulations, standards, and plans. This process evaluates site specific issues, including, but not limited to: life safety, circulation and traffic improvements, landscaping, parking, signage, lighting, storm water drainage quantity and quality, utilities, and community impacts.

2. Application.

(a) The following procedure, requirements and criteria shall apply to Site Development Plan applications.

(b) In any zone district, Site Development Plan approval is required prior the issuance of building permits for industrial, commercial, multi-family, mobile home park, recreational and institutional uses in the following situations:

(1) To construct any new improvement that requires a Building Permit and/or Grading Permit.

(2) Prior to any changes in use from a residential use to an industrial, commercial or institutional use regardless of whether there are existing or proposed buildings.

(3) To construct a major utility or utility service facilities or telecommunications sites.

(c) Site Development Plan approval is not required for the following:

(1) Single or two unit residential land uses.

(2) Agricultural land uses.

(3) Any property that had a site plan reviewed and approved as part of an approved Plat or Special Use, if the approved Special Use exhibit

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generally conforms to the Site Development Plan standards, as determined by the CDS Director.

(4) Normal repairs and maintenance of an existing building or structure.

(5) Alterations which do not affect more than twenty-five percent (25%) of the external dimensions of an existing building or structure unless such alterations are made to change the use or type of occupancy within part or all of the altered building or structure.

(6) Signs and fencing.

(7) Temporary structures.

(d) A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for the Site Development Plan process.

(e) Notification is required in accordance with the notification provisions of these Regulations.

3. Site Development Plan Review Process (Refer to Article II.F).

Site Development Plans are reviewed and approved administratively by the CDS Director.

(a) Pre-Application Meeting

(b) Formal Site Development Plan Application Submittal

(c) Referral

(d) Provide Comments to the Applicant

(e) Applicant Responds to Comments

(f) Staff Review of Revised Submittal

(g) Decision Documents Submittal

(h) Administrative Decision Notification

(i) Administrative Decision. If the additional revisions are required to comply with County standards, the CDS Department will return a letter to the applicant identifying the revisions that must be made in order to gain Staff support for the proposal. The CDS Director shall review the request and staff recommendation and approve, approve with conditions, or deny the Site Development Plan application. The applicant shall obtain building permits within one (1) year of Site Development Plan approval, or the approval shall be rescinded. The CDS Director may extend this one (1) year period, by an

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additional one (1) year if in his/her opinion, the delay in construction is for a good cause and no regulations have changes which would substantially impact the site. Multiple extensions may be requested. If the Site Development Plan includes a development agreement or an improvements agreement, upon approval by the CDS Director, the Chairman of the Board of County Commissioners shall be authorized to sign the agreement and place the agreement of record. An approval by the CDS Director may be subject to the applicant meeting certain conditions before the issuance of building permits.

(j) Recordation of Site Development Plan

4. Site Development Plan Review Criteria.

The following criteria shall be considered by the CDS Director in reviewing Site Development Plans:

(a) The use is in harmony and compatible with the surrounding area and neighborhood;

(b) The use will not have an undue burden on available infrastructure, subject to mitigation;

(c) The use will not unduly increase traffic congestion or burden the existing road system;

(d) The use will not cause significant air, odor, water, noise, or light pollution;

(e) All sanitation requirements will be met;

(f) The use will be adequately landscaped, buffered, and screened;

(g) The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Elbert County;

(h) Supplemental Standards are met for specific uses, as applicable.

5. Submittal Requirements.

(a) Refer to Article II.B. for the required submittal items.

6. The Site Development Plan shall be prepared as follows:

(a) Title block including title of project followed by "Site Development Plan", address of project, section, township and range of property centered on the upper portion of each sheet;

(b) All sheets shall be 24" x 36" format;

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(c) A margin, at least one inch (1") on all sides, except the left-hand margin shall be a minimum of two inches (2");

(d) The sheet number in the lower right hand corner of each sheet (Sheet 1 of __);

(e) Case # in the upper right corner of each sheet;

(f) North arrow, scale (no greater than 1"=50') and date of preparation;

(g) Vicinity Map – A 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 one (1) mile of the subject property and the proposed access to the property;

(h) 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 if not platted;

(i) Names, addresses, and phone number of owner, representative, and individual/firm preparing the document;

(j) Existing zoning, land uses, and owner's name and addresses shall be indicated for adjacent properties;

(k) Lot size (square footage);

(l) Bearings and distances of all lot lines;

(m) Existing easements shall be shown on the site plan with reception number and/or book and page reference, their purpose, and their benefiting party;

(n) Proposed easements;

(o) Existing and proposed rights-of-way;

(p) Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, snow removal areas, all dimensioned, showing how pedestrians will have access to the site and buildings;

(q) Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned;

(r) Topography of the site shall be shown at two foot (2') contour intervals unless other intervals are approved by the CDS Director. Areas of twenty percent (20%) slope or greater shall be noted;

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(s) All natural and man-made water courses, detention areas, streams/creeks, and lakes shall be shown. Any 100-year (1%) flood plains affecting the property shall be indicated;

(t) Significant treed areas on the subject property shall be indicated;

(u) Footprint, use, and location relative to property boundaries of all existing and proposed buildings (including roof overhangs and eaves, decks, balconies, outside stairs and landings). Provide finished floor elevations, finished height and interior square footage for all structures;

(v) For commercial and industrial uses, the type of activity and number of employees;

(w) For multi-family residential, the number of residential units and the number of bedrooms per unit;

(x) Location and specifications for the signs and lights, including type, height and general conformance to these Regulations;

(y) Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned);

(z) Trash disposal areas and enclosures including specifications for enclosures;

(aa) Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems);

(bb) Location and size of water and sewer lines to which the service connections will be or are made;

(cc) Location and size of water meter(s) and backflow-prevention devices;

(dd) Indication of how and where perimeter drain will drain (if one exists);

(ee) Location of existing electrical lines and poles on or adjacent to the site, proposed electrical service connection and meter location, and electric transformer;

(ff) Location of all fire hydrants (if none on site, note distance and direction of closest hydrant);

(gg) Location of detention/retention areas and storm sewer infrastructure, required drainage easements;

(hh) No-build areas that restrict building in hazardous areas shall be indicated;

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(ii) Distance from proposed building(s)/structure(s) to adjacent lot lines, easements and adj. structures; and

(jj) Signature blocks and Certifications for CDS, Public Works, Fire District, Clerk & Recorder, Designing Engineer, and Owner.

H. EDZ Site Development Plan

1. Intent and Purpose. The Economic Development Zone (EDZ) Site Development Plan (SDP) process is a process established to ensure that proposed developments in the Economic Development Zone Overlay zone district comply with applicable land use approvals, regulations, standards, and plans. This process evaluates site specific issues, including, but not limited to: life safety, circulation and traffic improvements, landscaping, parking, signage, lighting, storm water drainage quantity and quality, utilities, and community impacts.

2. Application.

(a) The following procedure, requirements and criteria shall apply to EDZ Site Development Plan applications.

(b) In the Economic Development Zone (EDZ) overlay zone district, EDZ Site Development Plan approval is required prior the issuance of building permits for any permitted use in the EDZ.

(c) EDZ Site Development Plan approval is not required for the following:

(1) Single or two unit residential land uses.

(2) Agricultural land uses.

(3) Normal repairs and maintenance of an existing building or structure.

(4) Alterations which do not affect more than twenty-five percent (25%) of the external dimensions of an existing building or structure unless such alterations are made to change the use or type of occupancy within part or all of the altered building or structure.

(5) Signs and fencing.

(6) Temporary structures.

(d) A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for the EDZ Site Development Plan process.

(e) Notification is required in accordance with the notification provisions of these Regulations.

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3. EDZ Site Development Plan Review Process (Refer to Article II.F).

EDZ Site Development Plans are reviewed by CDS and reviewed and approved by the Board of County Commissioners at a public hearing.

(a) Pre-Application Meeting

(b) Formal EDZ Site Development Plan Application Submittal

(c) Referral

(d) Provide Comments to the Applicant

(e) Applicant Responds to Comments

(f) Staff Review of Revised Submittal

(g) Public Hearing Documents Submittal

(h) Board of County Commissioners' Public Hearing Scheduled

(i) Public Hearing Notification

(j) Board of County Commissioners' Public Hearing

(k) Recordation of EDZ Site Development Plan

4. EDZ Site Development Plan Review Criteria.

(a) An EDZ Site Development Plan shall be reviewed against the Site Development Plan review criteria in Article III.G.4 of these Regulations.

5. Submittal Requirements

(a) Refer to Article II.B. for the required submittal items.

6. The EDZ Site Development Plan shall be prepared following the Site Development Plan standards in Article III.G.6 of these Regulations.

I. Variance

1. Intent and Purpose. The purpose of variances is to allow, in appropriate cases and subject to additional conditions and safeguards, the ability to make special exceptions to the terms of the Elbert County Zoning Regulations in conformance with its general purpose and intent. Variances shall be granted to relieve hardships where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of these regulations, or by reason of exceptional topographic condition or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation adopted would

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result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property; provided however, that such relief may be granted only without substantial detriment to the public good and without substantially impairing the intent and purpose of these regulations.

2. Application.

(a) The following procedure, requirements and criteria shall apply to Variance applications.

(b) Variances from the following dimensional standards of a standard zone district or similar standard in a Planned Unit Development:

(1) Minimum area of lot;

(2) Minimum width of lot;

(3) Maximum height of structures and fences;

(4) Minimum front yard setback;

(5) Minimum side yard setback;

(6) Minimum rear yard setback;

(7) Minimum off-street parking requirements; and/or

(8) Such variances as may be deemed appropriate by the CDS Director where, by reason of exceptional shape, size, topography of the lot, condition of the building or land, practical difficulty or unnecessary hardship would result to the owner of said property from a strict application or enforcement of these Zoning Regulations.

(c) Types of Variances – Major and Minor:

(1) A Minor Variance shall apply to a variation of fifteen (15) percent or less to a numeric dimensional standard.

(2) A Major Variance shall apply to a variation of greater than fifteen (15) percent to a numeric dimensional standard.

(d) A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for the Variance process.

(e) Notification is required in accordance with the notification provisions of these Regulations.

3. General Standards.

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(a) As part of the Variance process, all work on a structure involved must cease immediately. Failure to stop construction shall result in an automatic denial of the variance.

(b) The applicant shall obtain building permits within one (1) year of Variance approval, or the approval shall be rescinded. The CDS Director may extend this one (1) year period, by an additional one (1) year if in his/her opinion, the delay in construction is for a good cause and no regulations have changes which would substantially impact the site. Multiple extensions may be requested. An approval by the CDS Director may be subject to the applicant meeting certain conditions before the issuance of building permits.

4. Procedure for a Major Variance (Refer to Article II.F.).

(a) Pre-Application Meeting

(b) Formal Variance Application Submittal

(c) Referral

(d) Provide Comments to the Applicant

(e) Applicant Responds to Comments

(f) Staff Review of Revised Submittal

(g) Public Hearing Documents Submittal

(h) Board of Adjustments Public Hearing Scheduled

(i) Public Hearing Notification

(j) Board of Adjustments Public Hearing

(k) Appeal. See below.

5. Procedure for a Minor Variance. (Refer to Article II.F.).

(a) Pre-Application Meeting

(b) Formal Variance Application Submittal

(c) Referral

(d) Provide Comments to the Applicant

(e) Applicant Responds to Comments

(f) Staff Review of Revised Submittal

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(g) Decision Documents Submittal

(h) Administrative Decision Notification

(i) Administrative Decision

(j) Appeal. See below.

6. Appeals.

(a) Appeals may be filed by the applicant or owners of adjacent property.

(b) Appeal on any action (other than continuance) of the Board of Adjustments is to the District Court in and for Elbert County. Such appeal must be filed in writing within thirty (30) days of the date the Board of Adjustments took action.

(c) A decision by the CDS Director concerning a Minor Variance request may be appealed to the Board of Adjustments. Such appeal must be filed in writing within thirty (30) days of the date the CDS Director took action.

(d) Any decision of the Board of Adjustments on review of an appeal to a Minor Variance shall include reasons for affirming, modifying or reversing the CDS Director's decision.

(e) The Board of Adjustments decision on an appeal shall be final.

7. Variance Review Criteria.

The following criteria shall be considered by the Board of Adjustments in reviewing all Major Variance applications, and by the CDS Director in reviewing Minor Variance applications. Variances shall be approved only if it is demonstrated that:

(a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property, topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of the regulation would result in peculiar and undue practical difficulties for, or peculiar and unnecessary hardship on, the owner of the property; and

(b) The extraordinary and exceptional situation or condition on the property that is stated as the reason for the proposed variance is not self-imposed; and

(c) The proposed variance complies with the purpose and intent of the standard to be varied and generally observes the spirit of the Zoning Regulations; and

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(d) The proposed variance will not substantially impair the appropriate use or development of adjacent property; and

(e) The proposed variance is the minimum variance that will afford relief with the least modification possible of the Zoning Regulations.

8. Submittal Requirements.

(a) Refer to Article II.B. for the required submittal items.

J. Temporary Structure Permit

1. Intent. The intent of this section is to provide for the regulation of temporary structures. These regulations shall apply to temporary residences and temporary construction offices. For the purpose of this section, the term "temporary" shall mean a period of up to one (1) year.

2. General Requirements and Procedure.

(a) Prior to the establishment and use of a temporary structure, the applicant shall be required to provide the following:

(1) Submit a plot plan showing location of the structure, setbacks and any other pertinent information to the Building Department for review and conform with all applicable zoning requirements of the zone in which the structure is to be located.

(2) Submit proof of fire protection from the local fire protection district on the form provided by CDS.

(b) A temporary structure permit granted by the Building Department shall expire one (1) year from the date of issuance. Temporary structure permits shall only be valid providing that a building permit is obtained and remains in effect. A maximum of one (1) six (6) month extension permit shall be granted per structure. All temporary structures shall be removed at the expiration of the first extension permit.

(c) Prior to the issuance of the permit by the Building Department, the applicant may post the appropriate bond with the County.

(d) The conversion of mobile or manufactured housing units, regardless of size or age, to accessory structures will not be permitted regardless of proposed alterations.

3. Permitted Temporary Structures.

(a) Temporary Residence.

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(1) A temporary residence may not be a mobile home as defined in the Elbert County Zoning Regulations.

(2) A temporary residence shall be permitted only in conjunction with the construction of a new primary dwelling unit.

(b) Temporary Construction Office.

A temporary structure for the storage of construction materials and a construction office to be used for managing a construction job may be utilized in all zone districts with the following restrictions:

(1) The unit is to be used during normal construction hours by the construction superintendent, construction workers, contractors, etc.

(2) While construction is occurring, a temporary construction office may be utilized provided that it is located within the area of a recorded final plat or an approved site plan.

(3) The use of a temporary construction office may require the posting of a bond and obtaining a temporary permit with the Building Department.

(4) The temporary construction office shall not be utilized as living quarters for a caretaker, property owner, contractor or others.

(c) Temporary Offices.

(1) Residential Sales. Temporary residential sales offices for the sale of units in an area shall be permitted in the A, A-2, AR, RA, RA-1, RA-2, R-1, R-2, MF, or PUD zones with the following restrictions:

i. Sales shall be limited only to those units within the platted subdivision in which the office is located.

ii. The temporary structure shall be located within the area of a recorded final plat.

iii. The use of a temporary residential sales office may require the posting of a bond and obtaining a temporary permit with the Building Department.

iv. Sales offices within model homes shall meet the conditions outlined by Building Department Regulations, including but not limited to, sanitation, water and certificate of occupancy.

(2) Commercial, Business and Industrial Offices. Temporary nonresidential offices used for sales or business operation purposes

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shall be permitted in the B, C, LI, GI and nonresidential PUD zone with the following restrictions:

i. Upon obtaining a building permit for a nonresidential structure and posting a bond in the amount of five thousand dollars ($5,000) a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.

ii. The temporary office shall be located within the area of a recorded final plat and an approved site plan.

K. Amendments to the Elbert County Zoning Regulations

1. Intent. Amendment shall mean a revision to the Elbert County Zoning Regulations. Amendment requests may be initiated, in writing, by the Board of County Commissioners, the Planning Commission, the Board of Adjustments, or Community & Development Services.

2. Procedure:

(a) Community & Development Services shall be responsible for processing all amendment requests.

(b) Any amendment(s) proposed shall be submitted to the Planning Commission for its review and recommendation prior to any action at a public hearing by the Board of County Commissioners.

(c) In addition to amendments processed throughout the year, Community & Development Services shall review the Zoning Regulations once a year to determine appropriate amendments as necessary.

3. Processing:

(a) Community & Development Services, following a recommendation by the Planning Commission, shall submit the proposed amendment(s), in writing, and shall schedule a public hearing before the Board of County Commissioners subject to the required Notice of Hearing outlined Article II.E. of these Regulations.

(b) If the proposed amendment(s) is (are) approved by the Board of County Commissioners, it shall become effective on the date approved, unless otherwise specified in the approval resolution. A certified copy of the regulation containing the text of the amendment shall be forwarded to the Planning Commission Secretary.

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(c) Community & Development Services shall insert said amendment(s) in all official copies of the Elbert County Zoning Regulations.

4. Notice of Hearing.

(a) At least thirty (30) days' notice of the time and place of public hearing before the Board of County Commissioners shall be given in at least one (1) publication of the official newspaper of record for Elbert County. The notice shall read as specified in Article II.E. of these Regulations.

5. Amendments and Clarification of Definitions.

(a) The Board of County Commissioners may direct the addition, modification, or clarification of terms defined in these Regulations.

(b) Such changes must be deemed by the Board of County Commissioners to be necessary to ensure the consistent application of these Regulations.

(c) Such changes shall be made in a properly noticed regular public meeting of the Board of County Commissioners.

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ARTICLE IV. ZONE DISTRICTS

A. Zone Districts Established

In order to carry out the purpose and provisions of these Regulations, the following Zone Districts are hereby established. Zone Districts are categorized into contexts.

1. Agricultural Context
   - A Agriculture
   - A-2 Agriculture-Two
   - AR Agriculture Residential

2. Residential Agricultural Context
   - RA Residential Agriculture
   - RA-1 Residential Agriculture-One
   - RA-2 Residential Agriculture-Two

3. Residential Context
   - R-1 Residential-One
   - R-2 Residential-Two

4. Commercial and Industrial Context
   - B Business
   - C Commercial
   - LI Light Industrial
   - GI General Industrial

5. Other Contexts
   - PUD Planned Unit Development
   - EDZ Economic Development Zone (Overlay)

6. Obsolete Zone Districts
   - MH Mobile Home
   - A-1 Agriculture One

B. Agricultural Context

1. Purpose and Intent. The Agricultural Context contains Zone Districts that preserve Elbert County's working agricultural lands while allowing limited residential uses embedded throughout. Agricultural related uses are prevalent while residential uses are more accessory.

2. The Agricultural Context is divided into the following Zone Districts as described below:

(a) **Agriculture (A):** Allowing for areas including open space, forests, general farming, ranching and agriculturally related uses to continue the social and

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economic values of agricultural land. Uses shall have no detrimental effects on soil stability or ground water supplies and shall not change the runoff characteristics of said land. The A zone district is also intended to provide areas for Special Uses which have been determined to be more intense or to have a potentially greater impact than Permitted uses. The minimum lot size is thirty-five (35) acres.

(b) **Agriculture-Two (A-2):** Allowing for areas of open space and agriculturally related uses and low density residential subdivisions. The A-2 zone district is intended to provide smaller lot sizes than the (A) zone district with slightly less intense uses. The minimum lot size is twenty (20) acres.

(c) **Agriculture Residential (AR):** Allowing for areas of open space, noncommercial farming, ranching, agriculturally related uses and low density residential subdivisions. The intent of the AR zone district to permit a mix of agricultural uses and/or private residences. The minimum lot size is ten (10) acres.

C. Residential Agricultural Context

1. Purpose and intent. The purpose of the Residential Agricultural Context is to promote low to medium density residential development while preserving working agricultural lands. Non-commercial farming, open space, ranching, and agriculturally related uses are allowed accessory to a primary residence.

2. The Residential Agricultural Context is divided into the following Zone Districts as described below:

(a) **Residential Agriculture (RA):** Minimum lot size is ten (10) acres.

(b) **Residential Agriculture-One (RA-1)**: Minimum lot size is five (5) acres.

(c) **Residential Agriculture-Two (RA-2):** Minimum lot size is two and a half (2.5) acres.

D. Residential Context

1. Purpose and Intent. The purpose of the Residential Context is to support residential development by encouraging a range of lot sizes and residential densities associated with available roads and infrastructure.

2. The Residential Context is divided into the following Zone Districts as described below:

(a) **Residential-One (R-1):** Areas of medium high density residential development. The minimum lot size for the R-1 zone district shall be one (1) acre in total size.

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(b) **Residential-Two (R-2):** Areas of medium to high density residential development. The minimum lot size is twelve thousand (12,000) square feet.

(c) **Mobile Home (MH) (obsolete):** Refer to Obsolete Zone Districts.

E. Commercial and Industrial Context

1. Purpose and Intent. The purpose of the Commercial and Industrial Context is to provide areas in the County for commercial, business, and industrial and support services and to provide a diverse range of economic development opportunities. Review of Site Development Plan is required.

2. The Commercial and Industrial Context is divided into the following Zone Districts as described below:

(a) **Business (B):** Areas for retail related business uses with minimal wholesale activity and limited storage within the principal structure, including professional services and providers of goods and services to the public.

(b) **Commercial (C):** Areas for wholesale service related commercial uses with minimal assembly or manufacturing activities.

(c) **Light Industrial (LI):** Areas for research, warehousing, small product assembly, and manufacturing and distribution facilities with minimal environmental impact (noise, lights, and vibrations) confined to the site upon which the principal use is located. This district may also include some limited commercial activities, refer to the Land Use Table.

(d) **General Industrial (GI):** Areas for research, warehousing, small product assembly, and manufacturing and distribution facilities with minimal environmental impact (noise, lights, and vibrations) confined to the site upon which the principal use is located. This district may also include some limited commercial activities, refer to the Land Use Table.

F. Other Contexts

1. **Planned Unit Development (PUD) District:** Refer to Article VII of these Regulations.

2. **Economic Development Zone (EDZ) Overlay District**: Refer to Article IX of these Regulations.

G. Obsolete Zone Districts

1. Applications for rezoning to an obsolete zone district shall not be submitted or processed. However, lands which are presently located within an obsolete zone district, or in an approved Planned Unit Development that makes reference specifically to an

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obsolete zone district, shall be permitted to be developed in accordance with the uses and standards of that Zone District and any applicable section of these regulations.

2. The following Zone Districts shall not be considered for rezoning applications and are deemed obsolete.

(a) **Mobile Home (MH):** Areas originally intended exclusively for mobile homes on individual lots for individual ownership. These Regulations allow for single family homes regardless of the manner of construction.

(b) **Agriculture One (A-1):** The A-1 zone district was merged with the Agriculture (A) zone district on September 28, 2011 (Resolution 11-25). No rezoning to A-1 shall be considered.

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ARTICLE V. USES AND SUPPLEMENTAL STANDARDS

A. Purpose and Intent.

This Article is intended to identify land use categories and their relationship to zone districts to ensure the appropriate location for different types of land uses within Elbert County. This Article identifies the uses that are permitted, limited, accessory, require a special use permit, or are prohibited in each zone district, and sets forth use-specific standards that apply to particular uses to ensure compatibility and minimize impacts on adjacent properties.

B. Use Categories

1. Permitted, Special, Accessory and Non-Permitted uses are listed in the Land Use Table on the following pages. Uses are classified by Use Category and Land Use. Supplemental Standards for certain uses are listed after the table.

(a) Uses Permitted by Right are identified with "P" in the Land Use Table and are permitted as a use in the specified zone district subject to compliance with all other applicable standards of these Regulations.

(b) Special Uses by Review are identified with "S" in the Land Use Table and are allowed as a use in the specified zone district if reviewed and approved in accordance with the Special Use procedures enumerated in Article III.E., subject to compliance with all other applicable standards of these Regulations.

(c) Minor Special Uses by Review are identified with "MS" in the Land Use Table and are allowed as a use in the specified zone district if reviewed and approved in accordance with the Minor Special Use by Review procedures enumerated in Article III.F., subject to compliance with all other applicable standards of these Regulations.

(d) Accessory Uses are identified with "A" in the Land Use Table and are only allowed as a use in the specified zone district as accessory to a Use Permitted by Right, subject to compliance with all other applicable standards of these Regulations.

(e) Non-Permitted Uses are identified in the Land Use Table with a blank cell and are prohibited in the specified zone district.

C. Use Determination

1. Intent. 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 sub-section.

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2. Procedure.

(a) Upon receipt of a pre-application meeting request for a use that is not clearly identified within the use table, the CDS Director shall determine whether the proposed use is both similar to, and compatible with, uses specifically named within the particular zone district.

(b) In determining whether the proposed use is similar to, and compatible with a specifically named use in the zone district, the CDS Director shall consider, among other relevant factors, traffic generation, density of population, and hours of operation of the proposed use as compared to:

(1) Known uses within a zone district; and

(2) Characteristics of zone districts that permit a similar use; and

(3) The goals and policies set forth in the Comprehensive Plan.

(c) The determination of the CDS Director shall be made in writing and shall be applicable to the specific proposal and site to which the use is attached.

D. Land Use Table

The table on the following pages identifies the Permitted, Special, Accessory and Non-Permitted uses for each zone district.

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P = Use Permitted by Right, S = Special Use by Review (SUR), MS = Use Permitted by Minor Special Use by Review (MSUR), A = Accessory Use, E = Use allowed with approved EDZ Site Plan, [BLANK] = Not Permitted

		Agricultural			Residential Agriculture			Residential			Non-Residential					Supplemental Stds. See Article V.E.
Use Categories	**Land Use**	**A**	**A-2**	**AR**	**RA**	**RA-1**	**RA-2**	**R-1**	**R-2**	**MH**	**B**	**C**	**LI**	**GI**	**EDZ**	
Agricultural Uses																
Farming	Farming	P	P	P	P											
	Greenhouse	P	P	P	P								P	P	E	
	Ranching and Livestock	P	P													
Supportive Businesses & Services	Agricultural Equipment Sales, Rental, & Repair	S									P	P	P	P	E	
	Commercial Feed Yard	S														
	Garden Shop											P	P	P	E	
	Commercial Greenhouse or Nursery	P	P								P	P	P	P	E	
	Tack/Livestock Feed Store										P	P	P	P	E	
Commercial Uses																
Animals	Animal Shelter	S	S	S	S							S			E	x
	Domestic, Non-Domestic, Exotic, Hoofed, etc. (Non-commercial)	See Article XIV.														
	Boarding, Breeding, & Training (in excess of 10 animal units)	P	S	S	S											
	Boarding, Breeding, & Training (not to exceed 10 animal units)	P	P	S	S											

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		Agricultural			Residential Agriculture			Residential			Non-Residential					Supplemental Stds. See Article V.E.
Use Categories	**Land Use**	**A**	**A-2**	**AR**	**RA**	**RA-1**	**RA-2**	**R-1**	**R-2**	**MH**	**B**	**C**	**LI**	**GI**	**EDZ**	
Animals	Kennel	S	S	S								S	S		E	
	Pet cemetery	S														
	Veterinary Clinic or Hospital	S	S	S	S	S					S	P	P		E	
Automotive	Automobile, RV, Boat, Motorcycle, & Agricultural Equipment Sales, Service & Repair											P	P	P	E	
	Automobile supply and service stations	S									S	P	P	P	E	
	Fueling Station, with or without Retail Store	S									S	P			E	
	Parking Lot										P	P	P	P	E	
	Recreational Vehicle and Boat Storage										S	P	P	P	E	
	Vehicle Washes											P	P	P	E	
Entertainment & Recreation	Event, Conference, or Convention Center	S									S	P			E	
	General Amusement Entertainment Facility	S									P	P	S		E	
	Firing Range, Indoor	S	S								S	S	S	S	E	x
	Firing Range, Outdoor	S	S								S	S	S	S	E	x
	Membership Clubs, Public or Private	S	S	S							P	P			E	
	Raceway	S	S									S	S	S	E	
	Riding Academy	S	S	S	S											
	Theater										P	P			E	
Food & Beverage	Bakery										P	P	P	P	E	

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		Agricultural			Residential Agriculture			Residential			Non-Residential					Supplemental Stds. See Article V.E.
Use Categories	**Land Use**	**A**	**A-2**	**AR**	**RA**	**RA-1**	**RA-2**	**R-1**	**R-2**	**MH**	**B**	**C**	**LI**	**GI**	**EDZ**	
Food & Beverage	Bar or Lounge										P	P	P	P	E	
	Liquor Store										P	P	P	P	E	
	Restaurant or Other Eating Facilities										P	P	P	P	E	
	Restaurant or Other Eating Facilities with Drive-Thru	S									S	P			E	
Lodging	Bed & Breakfast	S	S	S	S	S	S	S	S							
	Hotel or Motel	S									P	P			E	
	Resort Lodge, Guest Ranch, or Resort Cabin	S									P	P			E	
Office	Office with Outside Storage												P	P	E	
	Office without Outside Storage										P	P	P	P	E	
Retail & Wholesale	Home Repair Store										S	P	P	P	E	
	Retail Store										P	P	P		E	
	Shopping Center										S	P	P		E	
	Upholstery Supply and Repair Store										P	P	P	P	E	
	Wholesale											P	P	P	E	
Services	Banks, Savings & Loans, Credit Unions, Financial Institutions with or without Drive-In Facilities										P	P	P	P	E	
	Mortuary or Funeral Home										P	P	P		E	
	Personal Services										P	P			E	

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		Agricultural			Residential Agriculture			Residential			Non-Residential					Supplemental Stds. See Article V.E.
Use Categories	**Land Use**	**A**	**A-2**	**AR**	**RA**	**RA-1**	**RA-2**	**R-1**	**R-2**	**MH**	**B**	**C**	**LI**	**GI**	**EDZ**	
Manufacturing & Industrial Uses																
Extraction	Mining	S	S			S										x
	Oil & Gas Facility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	E	x
	Oil & Gas Facility, Major	S	S	S	S	S	S	S	S	S	S	S	S	S		x
Food and Beverage Production and Storage	Food Locker										S	P	P	P	E	
	Processing, Bottling, and Distribution										S	P	P	P	E	
Manufacturing	Manufacturing, Light											P	P	P	E	
	Manufacturing, Heavy												S	P	E	
	Printing and Publishing										S	P	P	P	E	
Other	Crematory, Stand Alone											S	P		E	
	Junkyard												S	P		
	Machine Shop												P	P	E	
Research & Development	Scientific Research Facility											S	P	P	E	
Storage & Distribution	Chemical Storage, Transfer, and Disposal	S											S	S	E	x
	Commercial Grain Storage	S											P	P	E	x
	Mini Storage											P	P	P	E	x
	Storage and Distribution												S	P	E	x
	Hazardous Materials											S	S	S	E	x
	Warehouse											S	P	P	E	x

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		Agricultural			Residential Agriculture			Residential			Non-Residential					Supplemental Stds. See Article V.E.
Use Categories	**Land Use**	**A**	**A-2**	**AR**	**RA**	**RA-1**	**RA-2**	**R-1**	**R-2**	**MH**	**B**	**C**	**LI**	**GI**	**EDZ**	
Transportation	Truck Terminal and Loading Area													P	E	
Telecommunication	Antenna Support Structure, Non-Commercial (not to exceed 40 feet)	P	P	P	P	P	P	P	P	P	P	P	P	P		x
	Antenna Support Structure, Non-Commercial 40 feet to 120 feet)	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS	MS		x
	Antenna Support Structure, Non-Commercial (over 120 feet)	S	S	S	S	S	S	S	S	S	S	S	S	S		x
	Antenna Support Structure, Commercial	S	S	S	S							S	S	S		x
	Building Mounted Communication Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Radio, Television, and Telephone Transmitting Station	S											P	P	E	
Utilities	Solar or Wind Farm	S	S								S	S	S	S		x
	Utilities, Overhead	S														
	Utility Service Facility, Major	S	S	S	S	S	S	S	S		S	S	S	S		X
	Utility Service Facility, Minor	P	P	P	P	P	S	S	S				P	P	E	
	Wind Generator	P	S										S	S		x

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		Agricultural			Residential Agriculture			Residential			Non-Residential					Supplemental Stds. See Article V.E.
Use Categories	**Land Use**	**A**	**A-2**	**AR**	**RA**	**RA-1**	**RA-2**	**R-1**	**R-2**	**MH**	**B**	**C**	**LI**	**GI**	**EDZ**	
Public, Civic, & Institutional Uses																
Education	Day Care Center, 5 or more children	S	S	S	S	S	S	S	S	S	P	P			E	x
	Day Care Center, 4 or less children	MS	MS	MS	MS	MS	MS	MS	MS	MS	P	P			E	
	Schools, Colleges or Universities	S	S	S	S						P	P			E	
	Schools, Public or Private	S	S	S	S	S					P	P			E	
Institutional	Correctional Facility	S														
	Cultural Facility	S									P	P			E	
	Religious Institution	S	S	S	S	S	S	S	S	S	P	P	P	P	E	
Public Service	Cemetery	S	S	S	S											
	Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	E	
	Hospital	P	S	S	S	S	S	S	S	S	P	P	P	P	E	
	Library	P	P	P	P	P	P	P	P	P	P	P	P	P	E	
	Law Enforcement Office	P	P	P	P	P	P	P	P	P	P	P	P	P	E	
	Post Office	P									P	P	P	P	E	
	Public Safety Training Facility	B	S	S							P	P	P	P	E	
	Recycle or Trash Transfer Facility	S											S	P	E	
	Septage Application	S														
	Solid Waste Disposal Facility	S												S		
	On-Site Wastewater Treatment System (Septic)	P	P	P	P	P	P	P	P	P	P	P	P	P		

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		Agricultural			Residential Agriculture			Residential			Non-Residential					Supplemental Stds. See Article V.E.
Use Categories	**Land Use**	**A**	**A-2**	**AR**	**RA**	**RA-1**	**RA-2**	**R-1**	**R-2**	**MH**	**B**	**C**	**LI**	**GI**	**EDZ**	
Public Service	Waste Water Treatment and Storage Facility	S	S	S	S	S	S	S	S	S	S	S	P	P	E	
	Water Treatment and Storage Facility	S	S	S	S	S	S	S	S	S	S	S	P	P	E	
Recreation	Campground	S	S	S												x
	Firing Range, Recreational	S	S								S	S	S	S	E	
	Golf Course	S	S	S	S											x
	Open Space	P	P	P	P	P	P	P	P		P	P	P	P	E	
	Park and Recreation Area, Private	S	S	S	S	S	S	S	S	S	P	P	S	S	E	
	Park and Recreation Area, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	E	
Transportation	Airport or Heliport	S										S	S	S		x
	Recreational Facility, Aircraft Related	S										S	S	S		
Residential Uses																
Accessory	Accessory Dwelling Unit	See Article V.E.														x
	Accessory Enclosure	A	A	A	A	A	A									x
	Greenhouse (non-commercial)	A	A	A	A	A	A	A	A	A						
	Home Occupation	A	A	A	A	A	A	A	A	A					E	x
	Shooting Gallery, Private	P	A	A	A	A	A			A						x
	Solar Array, Residential	A	A	A	A											
	Wind Generator (residential)	MS	MS	MS	MS	MS	MS	MS	MS	MS						x
Dwelling	Dwelling, Manufactured Home	P	P	P	P	P	P	P	P	P					E	

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		Agricultural			Residential Agriculture			Residential			Non-Residential					Supplemental Stds. See Article V.E.
Use Categories	**Land Use**	**A**	**A-2**	**AR**	**RA**	**RA-1**	**RA-2**	**R-1**	**R-2**	**MH**	**B**	**C**	**LI**	**GI**	**EDZ**	
	Dwelling, Single Family	P	P	P	P	P	P	P	P	P					E	x
Group Living	Group Home	MS	MS	MS	MS	MS	MS	MS	MS	MS	P	P	P		E	x
Group Living	Group Residential Facility	S	S	S	S	S	S	S	S	S	P	P	P		E	
Temporary Uses																
	Agriculture Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A		x
	Temporary Construction Office	P	P	P	P	P	P	P	P	P	P	P	P	P		x
	Temporary Office	P	P	P	P	P	P	P	P	P	P	P	P	P		x
	Temporary Residence	P	P	P	P	P	P	P	P	P						x

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E. Supplemental Standards

1. Purpose and Intent.

(a) This Section sets forth additional standards for certain uses located within the various zone districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is a limited use, an accessory use, or requires special use approval.

(b) The following standards shall apply to any parcel of property where supplemental standards are required to be met, as indicated in the Land Use Table. No deviations may be granted for Use and Supplemental Standards except with an approval of a Special Use Permit.

2. Accessory Dwelling Units (ADU). All accessory dwelling units shall adhere to the following:

(a) An ADU may only be constructed on lots which meet the following criteria:

(1) Non-integrated ADU:

i. <1 Acre Lot: A non-integrated ADU shall not be permitted on lots one (1) acre or less.

ii. 1 to 5 Acre Lot: A non-integrated ADU on a lot containing more than one (1) acre and less than five (5) acres shall be permitted subject to approval by the Minor Special Use by Review process.

iii. >5 Acre Lot: A non-integrated ADU on a lot containing five (5) or more acres shall be allowed as a Use Permitted by Right.

(2) Integrated ADU:

i. If an ADU is integrated or attached to an existing primary structure it shall be allowed as a Use Permitted by Right.

(b) There shall not be more than one (1) ADU constructed on any given property and the ADU shall be accessory to a permitted single family dwelling unit.

(c) The size of any ADU shall not exceed the size of the primary dwelling unit and shall be limited to:

(1) On lots less than 10 acres: one thousand two hundred (1,200) finished square feet, except when completed as a finished basement.

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(2) On lots 10 acres or larger: one thousand eight hundred (1,800) finished square feet.

(3) On lots 20 acres or larger there is no size limitation on the ADU. The size of the ADU may exceed the size of the primary dwelling unit.

(d) Any ADU shall meet all primary structure setbacks and maximum heights of the zone district in which it is constructed.

(e) Valid water and sanitation shall be provided either by an appropriate water and sanitation district or by a valid well permit and septic permit specific to both the primary residence and the ADU. If the property is served by a well, the applicant shall submit a letter from the Colorado Division of Water Resources that states the existing well permit can accommodate the accessory dwelling unit and any maximum number of residents allowed in the ADU on the property.

(f) The access to the accessory dwelling unit shall utilize the same driveway as the primary dwelling unit.

(g) A non-integrated ADU shall be assigned a separate address for emergency response purposes.

(h) The ADU shall not be sold separately from the primary dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision is authorized in accordance with the Elbert County Subdivision Regulations and meets minimum setbacks.

(i) No more than one (1) family as defined in these Regulations shall occupy the ADU.

(j) No ADU shall be leased or rented for less than 30 days.

(k) No mobile home may be utilized as an ADU.

(l) Planned Unit Development zoning may or may not allow ADUs. This subsection is not intended to apply to Planned Unit Development zone districts.

3. Accessory Enclosure.

(a) The use of portable moving/storage containers shall be allowed temporarily, up to seven (7) days, at a residence for moving purposes. The time period may be extended in hardship situations. No permit is required for this type of short-term usage.

(b) The use of accessory enclosures shall be allowed on residential property for storage purposes. This type of long-term usage shall be allowed subject to the following conditions:

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(i) A container exceeding 200 square feet in floor area shall require a building permit.

(ii) These structures shall be located in the rear of the property;

(iii) The container(s) shall meet the minimum setback requirements of the zoning district and no structure can be located within an easement;

(iv) These structures shall not be utilized for human habitation;

(v) No advertising, wording, or graphics are permitted;

(vi) Containers shall be painted a neutral color or similar to the residence for which it serves;

(vii) Storage of materials outside of these structures shall require screening from abutting rights-of-way and adjoining property with trees, fencing, walls, or some combination thereof.

(c) Manufactured homes or unregistered truck trailers shall not be utilized for storage.

(d) Containers, shipping containers or other portable storage containers shall be allowed in commercial and industrial areas subject to the following conditions:

(i) A container exceeding 200 square feet in floor area shall require a building permit;

(ii) The container(s) shall be located at the side or rear of the business;

(iii) The container(s) shall meet the minimum setback requirements of the zoning district; and

(iv) The container(s) shall be screened from abutting rights-of-way and adjoining property with trees, fencing, walls, or some combination thereof.

4. Airports and Heliports.

(a) Both must comply with all FAA restrictions and requirements. Airports must be located at least one thousand (1,000) feet from all property lines, measured from the ends and center point of the runway. Runways shall be so oriented that aircraft landing and taking off do not pass directly over dwellings, schools, churches or other places of public assembly at elevations specific to the runway length. Heliports are to be located at least one thousand (1,000) feet from all property lines, measured from the center of the helipad, and at least one thousand (1,000) feet from existing residential uses. Notwithstanding the above, at the time of SUR review the applicant must demonstrate there is adequate land to take-off and land safely and that the take-off or landing flight path does not go over dwelling units, barns or other structures so as to create an undue hazard to persons or property on the ground.

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(b) Heliports associated with a fire station are considered a Special Use in any zone district. The one thousand foot (1,000') setback from existing residential uses may be reduced with approval of Special Use by Review permit.

5. Agriculture Recreation (Temporary Use).

Time-limited, social or commercial activities that last 60 (sixty) calendar days total per year of fewer, either spread out or together, on agriculturally-zoned parcels. These activities may include but not be limited to: seasonal and/or agricultural product (imported to site) sales; holiday/seasonal festivals; craft sales; religious activities; fairs, etc. This does not include fireworks stands. These uses must be permitted annually through the CDS Department and are not uses by right in any zone district. Any permits are subject to limits on hours of operation, noise, traffic, and other impacts the activity may produce. Other permits may be required from other county departments, fire districts, state agencies, and/or federal agencies.

6. Animal Shelter (Animal Care).

All recommendations and requirements of the Colorado Department of Health, Department of Agriculture, Planning Commission or other appropriate agencies shall be complied with regarding feed, water, shelter, confinement, exercise and health care unless specifically waived by the Planning Commission and Board of County Commissioners of Elbert County.

7. Antennas and Antenna Support Structures.

(a) General policies.

(1) Elbert County regulations recognize, and applicants shall comply with:

i. FAA Regulations regarding lamping and height;

ii. FCC Regulations regarding all radio emissions;

iii. The provisions of FCC PRB-1 and CRS §29-20-109 which control the rights of Radio Amateurs to erect and use effective towers and antennas;

iv. Environmental Regulatory Agencies with regard to siting near or in environmentally sensitive areas; and

v. State of Colorado, Department of Transportation which regulates the visual impact near and along state highways.

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(2) All antenna support structures shall meet all Elbert County setback requirements of these Regulations, and the base of the structure shall be no closer to the property boundary than the height of the structure. All guy wires shall be placed on the subject property and must be protected from livestock, vehicles and pedestrians.

(3) Based on Federal Communications Memorandum, Opinion and Order PRB-1 and CRS §29-20-109, local governments are only allowed to promulgate and enforce restrictions that are needed for safety or historic preservation, but not for aesthetic conditions.

(4) In the interest of community safety, the Elbert County Communications Authority (ECCA) will be included in the list of referral agencies and shall be granted space on all commercial communication Antenna Support Structures, subject to agreement between ECCA and the applicant.

(b) Broadcast stations and commercial communication antenna installations.

(1) Siting. Facilities should be located in the following order of preference:

i. On or in existing structures, e.g. buildings, communication towers, water towers, smokestacks, windmills, silos, sign structures and light standards.

ii. In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening or backdrop.

iii. On more visible sites where screening or buffering is difficult at best: No more than three (3) antenna support structures should be located in proximity to each other in any part of Elbert County, so as to have the least visual impact on the surrounding area, while still allowing the facility to function consistent with its purpose. Exceptions may be granted only under extraordinary circumstances.

(2) Panels, Arrays & Dishes are allowed as follows:

i. Placed on or within a structure, e.g., barn, silo etc., or

ii. Mounted on an antenna support structure, or

iii. Mounted on an existing telecommunication tower or cell site or mounted on an existing public utility structure. (However, on monopole structures less than twenty-four inches (24") in

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diameter, the antenna must be mounted directly to the pole without extending platforms or brackets.

(3) Vertical antennas are allowed as follows:

i. Allowed on structures, existing telecommunication towers, cell sites or utility facilities.

ii. Allowed to project above the roofline of structures.

iii. May exceed the zoning district height limitation but be no more than ten percent (10%) of the support structure height.

(4) Accessory Equipment - All accessory equipment shall be concealed within a structure or screened by vegetation, fencing or another manner approved by CDS. Setbacks and height limitations of the zone district shall apply.

(5) Antenna Support Structures. General Approval Standards - A Special Use by Review permit, when applicable, will be approved upon the finding that:

i. The facility is architecturally and visually (color, bulk, size, etc.) compatible with surrounding land uses, buildings, structures and vegetation in the area or those likely to exist under the terms of the underlying zone district;

ii. The facility is designed to be compatible with the surrounding areas;

iii. Existing vegetation has been preserved or improved and disturbance of the site has been minimized unless such disturbance to vegetation and topography results in less visual impact to the surrounding area;

iv. The applicant has demonstrated that the proposed site fits into the overall network of service that is provided by the applicant;

v. The facility meets the definition of utility service facility-cell site and other applicable standards of the zone district on which it is located; and

vi. A landscaping plan and/or solid wood fence may be required to screen or buffer a structural tower.

(c) Public safety and amateur radio antenna installations.

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(1) Based on Federal Communications Memorandum, Opinion and Order PRB-1 and CRS §29-20-109, local governments are only allowed to promulgate and enforce restrictions that are needed for safety or historic preservation, but not for aesthetic conditions. Antenna support structures are permitted as an accessory "use by right" of the zoning district.

(2) Antenna Support Structures, Non-Commercial, less than forty feet (40') above ground level, e.g. those antennas mounted on a building, pole or a similar installation, are a Use by Right in all zone districts.

(3) Antenna Support Structures, Non-Commercial, forty feet (40') and up to and including one hundred twenty feet (120') above ground level:

i. Shall be permitted with upon approval of a Minor Special Use by Review (MSUR) in accordance with these Regulations;

ii. The MSUR application shall contain a site plan which shows the proposed location of the antenna support structure, its relationship to the property lines, existing or proposed buildings, driveways, public roads, and overhead electric or telephone utility lines. The site plan must be drawn to an indicated scale, but need not be prepared by an architect or engineer;

iii. The MSUR application shall contain drawing(s) of the proposed antenna support structure showing details of the base foundation, guy wire details (if applicable), anchor and base grounding details and safety features such as "anti-climb" or "danger – watch for wires" signs. Manufacturer supplied drawings containing the above information are acceptable; and

iv. Prior to erection of any antenna support structure, a building permit shall be obtained.

(4) Antenna Support Structures over one hundred twenty feet (120') shall be permitted upon approval of a Special Use by Review (SUR) permit in accordance with these Regulations.

8. Campground.

All structures and congregation areas must meet all accessory setback standards.

9. Chemical Storage, Transfer, and Disposal Facilities.

Must comply with all State, Federal, and local Fire District regulations and must be located at least five hundred feet (500') away from all property lines.

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10. Day Care Center.

    Any yard used for playground purposes shall be completely enclosed by a fence or wall at least six (6) feet in height.

11. Dwelling, Single Family.

    No more than one (1) dwelling unit shall be allowed per tract of land under one ownership, except as permitted by these Regulations or any applicable Planned Unit Development.

12. Firing Range, Commercial.

    (a) Outdoor Firing Range must be setback at least one hundred feet (100') away from all property lines; and

    (b) Must include sound abatement and projectile safeguards.

13. Golf Course.

    All tees and holes must be located at least fifty (50) feet away from all property lines.

14. Group Home.

    (a) The applicant will provide Elbert County Community & Development Services with a copy of the license or certificate for a group home from the appropriate State agency within thirty (30) days of approval of said license.

    (b) The SUR permit may be subject to review by Elbert County and may be terminated if approval conditions change or are violated and/or if the State does not renew the appropriate license or certificate.

15. Hazardous Materials.

    (a) Such uses must comply with all Federal, State, and Local regulations.

    (b) Hauling routes shall be clearly defined and adhered to.

16. Home Occupation.

    (a) Such use shall be conducted only by the residents of the principal dwelling and only within the principal dwelling or accessory use building.

    (b) Such use shall be clearly incidental and secondary to the use of the dwelling or accessory use building as dwelling unit and shall not change the character thereof.

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(c) There shall be no outside storage on the premises of materials or equipment used in connection with the home occupation that is not fenced or enclosed.

(d) There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the property.

(e) Home occupations shall not generate traffic which significantly affects the residential character of that area.

(f) The Board of County Commissioners shall determine which activities other than those proposed which are compatible with this section and shall proceed in conformance with Article III.E. of these Regulations.

(g) The occupant shall provide any off-street parking needed to keep roadways unobstructed.

17. Mining.

(a) Such uses shall be setback a minimum two hundred foot (200') setback from any exterior property lines unless reduced with approval of a Special Use by Review permit.

(b) All requirements by the State of Colorado shall be met.

(c) Any additional requirements and special considerations made by the Board of County Commissioners and/or Planning Commission.

18. Oil & Gas Facilities.

(a) Minor Oil and Gas Facility.

(1) Allowed as use by right in all zone districts, subject to building permit review.

(2) Minor Oil and Gas Facility includes the following:

i. Well pad with one (1) or more wells, intermediate lines from the wellhead, storage tanks, separators, or tank batteries;

ii. Gathering lines;

iii. Flowlines;

iv. Ancillary equipment including, but not limited to: buildings, structures and improvements associated with or required for operation of a well site, pipeline, or compressor facility. Ancillary facilities include but are not limited to, well pads, tank batteries, combustion equipment, and pits and excluding gathering lines;

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v. Temporary storage and construction staging yards in place for less than 12 months;

vi. Non-commercial field injection or disposal well that does not meet the definition of a Major Oil and Gas Facility; and

vii. Fresh water storage and distribution systems.

(b) Major Oil and Gas Facility.

(1) Allowed as Special Use by Review in all zone districts and subject to building permit review.

(2) Major Oil and Gas Facilities include, but are not limited to, the following:

i. Any facility that consolidates, markets, or transports production oil or gas or production fluids from one (1) or more Minor Oil and Gas Facilities;

ii. Any water treatment or water recycling;

iii. Storage and construction staging yards in place for longer than 12 months;

iv. Worker camps and related temporary living facilities for oil and gas crew members;

v. Any oil and gas facility that does not meet the definition of a Minor Oil and Gas Facility;

vi. Export or sales pipelines used to transfer oil and gas to third party transportation;

vii. Storage terminals; and

viii. Use of an injection well for Commercial Disposal.

19. Shooting Gallery, Private.

(a) An area intended for non-commercial use within a property in which firing line(s), firing lane(s), target line and backstop are designated and that is a minimum of 100 feet from the property lines.

(b) The backstop (natural or man-made) must prevent firearm projectiles from traversing the grounds or space outside the limits of the designated area and endangering persons or property.

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(c) It is the responsibility of the property owner to ensure the safety of all persons using a privately designated shooting gallery and to prevent firearms projectiles from exiting the property on which the shooting gallery is located.

(d) Individual property deeded covenants and/or local homeowner association rules and regulations may preclude establishing a private shooting gallery and/or place limitations of times and duration of use and or weapons types allowed.

20. Storage and Distribution.

The entire storage area must be concealed by a solid fence or wall at least six feet (6') in height.

21. Temporary Structures.

See Article III.J. of these Regulations

22. Utility Service Facility.

(a) Transmission Lines:

(1) Co-location of the proposed transmission line adjacent to or with existing transmission lines rights-of-way shall be considered prior to siting new routes, where possible.

(2) May not be located within one-quarter (1/4) mile of an existing subdivision, town or agricultural development if not co-located, or nearer if approved by the Board of County Commissioners.

(3) Locations along hilltops or ridgelines are discouraged.

(b) Substations:

(1) May not be located within one-quarter (1/4) mile of an existing subdivision, town, or agricultural development.

(2) Circumstances may exist when substations may be located within the one-quarter (1/4) mile limitation from an existing subdivision, town, or agricultural development when deemed appropriate by the Elbert County Planning Commission and the Board of County Commissioners.

(3) Locations on hilltops or ridgelines are discouraged.

(4) Landscaping and berming will be considered on a case-by-case basis.

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23. Wind Farm.

    Reserved.

24. Wind Generator.

    Must be located a distance of the height of the generator plus twenty-five feet (25') or at least one hundred feet (100') from property line.

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ARTICLE VI. DIMENSIONAL STANDARDS

A. Purpose and intent

1. This Article is intended to regulate the placement and height of structures and improvements in relation to property lines, streets and roads, and other structures. The standards in this Article shall apply to all new development and redevelopment.

2. Lot size and width standards shall not apply to lots used for a utility or public safety purpose and owned by a public utility or local government subdivision of the State of Colorado.

B. Setback Requirements

1. Unless specifically excluded by these Regulations, any building or structure, including any accessory building or structure, shall conform to the setback requirements for the applicable zone district as set forth in this Article.

2. Setbacks shall not apply to interior lots within a non-residential development that do not front a public or private street serving the development.

3. All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs, and fireplaces may protrude not more than 24 inches into the setback. Underground counterforts and window wells may protrude into setbacks.

C. Height Requirements

1. Unless specifically excluded by these Regulations the height of any building or structure, including any accessory building or structure, shall conform to the height requirements applicable to the relevant zone district as set forth in this Article.

2. The height limitations established for each zone district shall apply to flagpoles; and radio, television or microwave towers (including antennas), except as otherwise provided in these Regulations.

3. The height limitations established for any zone district, except Planned Unit Development, shall not apply to chimneys, stacks, water towers, grain elevators, silos, elevators, monuments, dome spires, belfries, hangars and accessory symbols of government, religious, fraternal and civic organizations when attached to the respective building.

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D. Table of Agricultural, Residential Agriculture, and Residential Contexts Dimensional Standards

Context	Agricultural			Residential Agriculture			Residential		
Zone District	**A**	**A-2**	**AR**	**RA**	**RA-1**	**RA-2**	**R-1**	**R-2**	**MH**
Minimum Lot Area	35 acres	20 acres	10 acres	10 acres	5 acres	2.5 acres	1 acre	12,000 SF	9,000 SF
Maximum Lot Area	None	None	None	None	None	None	None	None	None
Minimum Lot Width (feet)	500	450	250	200	150	100	100	75	75
Primary Structures									
Maximum Building Height (feet)	35	35	35	35	35	35	35	35	35
Minimum Setbacks									
Front (feet)[1]	150	100	100	100	100	50	50	25	25
Side (Feet)[2]	100	100	50	50	25	25	20	10	25
Rear (Feet)							25	25	10
Accessory Structures									
Maximum Building Height (feet)	35	35	35	35	35	35	20	20	20
Minimum Setbacks									
Front (feet) A	150	100	100	100	100	50	50	25	25
Side (Feet)	50	50	50	50	25	25	15	15	15
Rear (Feet)									

Notes:

1. Measured from centerline of road in (A) zone district, property line, road ROW or easement, or point of minimum lot width, whichever is greater in all other zone districts.

2. Corner lots must meet front yard setback requirements on each side the lot borders a public or private road, vehicle right-of-way, or public vehicle easement.

E. Table of Non-Residential Context Dimensional Standards

Context	Non-Residential			
Zone District	**B**	**C**	**LI**	**GI**
Minimum Lot Area	None	None	None	None
Maximum Lot Area	None	None	None	None
Minimum Lot Width (feet)	100	100	100	100
Primary & Accessory Structures				
Maximum Building Height (feet)	60	60	60	60
Minimum Setbacks				
Front (feet)[3]	40	40	40	40
Side & Rear adjacent to B or C (feet)	Per IBC	Per IBC	Per IBC	Per IBC
Side & Rear adjacent to LI or GI (feet)	50	50	50	Per IBC
Side & Rear adjacent to B, C, or LI				25
Side & rear adjacent to Residential or Agriculture (feet)	60	75	75	75

Notes:

3. Applies only for properties that abut a street

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ARTICLE VII. PLANNED UNIT DEVELOPMENT

A. Intent & Purpose

1. Planned Unit Developments are encouraged to promote innovative approaches to residential, commercial, industrial and recreational land uses; develop creative design of land uses; promote mixed-use developments; permit two-unit residential, multi-family residential, and cluster communities, improve energy and water conservation; increase efficient use of open space; enhance preservation of environmental conditions and increase compatibility with overall County objectives. Planned Unit Developments are authorized by state statute at Title 24, Article 67, C.R.S.

B. Application

1. The following procedure, requirements and criteria shall apply to all proposed Rezoning to Planned Unit Development.

2. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.

3. Notification is required in accordance with the notification provisions of these Regulations.

C. Planned Unit Development Review Process

(Refer to Article II.F.)

1. Pre-Application Meeting

2. Community Meeting

3. Formal Rezoning Application Submittal

4. Referral

5. Provide Comments to the Applicant

6. Applicant Responds to Comments

7. Staff Review of Revised Submittal

8. Public Hearing Documents Submittal

9. Planning Commission and Board of County Commissioners' Public Hearings Scheduled

10. Public Hearing Notification

11. Planning Commission Public Hearing

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12. Board of County Commissioners' Public Hearing

13. Recordation of the Planned Unit Development Exhibit. The Exhibit shall include the Development Guide Standards and Graphic, as approved by the Board of County Commissioners.

D. General Requirements

1. All other requirements and/or provisions within these Zoning Regulations shall apply to Planned Unit Developments unless otherwise specified in the particular Development Guide.

2. Upon approval of any Planned Unit Development by the Board of County Commissioners, the Development Guide Standards and Planned Unit Development Graphic shall be included on the Planned Unit Development Exhibit which shall be filed and recorded with the Elbert County Clerk and Recorder.

3. Permitted Uses:

(a) The Planned Unit Development Zone District shall include uses of any classification (residential, commercial, conservation, industrial, or a combination of various uses), that are consistent with the Elbert County Comprehensive Plan and compatible with the site's physical and environmental characteristics. Residential uses may include single-family, two-unit, multi-family, and cluster communities.

(b) The permitted uses for a particular Planned Unit Development are those uses that are approved by the Board of County Commissioners through the Planned Unit Development process.

(c) Development standards for the permitted uses will be specified in the Development Guide Standards unique to each Planned Unit Development.

4. Any proposed change or amendment to an approved Development Guide Standards or Planned Unit Development Graphic other than those allowed in the Standard Flexibility Statement described in Article VII.E.3.(k), shall require public hearings before the Planning Commission and the Board of County Commissioners.

5. The Planned Unit Development shall provide for, or establish an organization for, the ownership and perpetual maintenance of roads, open space, parks, water and sanitation systems, or other common facilities contained within the Planned Unit Development. A common facility within a Planned Unit Development may not be disposed of, by sale or otherwise, without first having a public hearing before the Board of County Commissioners to ensure the common facility is being transferred to another organization or group that has the ability and resources required to own and perpetually maintain the common facility. Any open space or parks and/or common facility being

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considered for disposition, shall first be offered to the County or other governmental agency designated by the County.

6. Land for open space/parks shall be dedicated to either a special district, a qualifying non-profit entity, Elbert County, or other group acceptable to the County that has the ability and financial resources required to administer and perpetually defend the open space/parks for its intended use.

7. Unless otherwise specified within the Development Guide Standards and on the Planned Unit Development Graphic, permitted uses in areas designated in the Planned Unit Development Zone District as open space, parks, conservation, or other similar term, are limited to the following:

(a) Passive recreational uses limited to hiking, biking, or equestrian trails, provided all the following conditions are met:

(1) The open space supporting these activities is left primarily in its undisturbed natural condition;

(2) The use does not involve recreational motorized vehicles (motorized wheelchairs are permitted);

(b) Active recreational uses including, but not limited to ball fields, community/recreation centers (with associated parking), equestrian centers, tennis and basketball courts, playgrounds and associated equipment, and exercise courses.

(c) Pedestrian amenities such as benches, picnic tables, and restrooms.

(d) Other similar uses deemed appropriate by the Board of County Commissioners.

8. Planned Unit Developments that contain commercial/retail components must provide central water and central sewer or other acceptable systems approved by Elbert County Environmental Health, the County Engineer, and the State of Colorado, unless otherwise approved by the Board of County Commissioners.

E. Planned Unit Development Submittal Requirements

1. Refer to Article II.B. for the required submittal items.

2. Planned Unit Development Guide/Standards - The Development Guide is a written description of the proposed land uses and site design standards for development on the subject property. The Development Guide shall reflect the goals and policies of the Elbert County Comprehensive Plan. CDS shall provide the applicant with the appropriate Development Guide Standard template for the type of proposed Planned Unit Development (residential, office/commercial, industrial). The Development Guide template will indicate information that should be included in the Development Guide. The

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Development Guide Standard shall be initially submitted in 8-1/2" X 11" format and ultimately shall be placed on the final Planned Unit Development Exhibit. The Development Guide/ Standard shall include at a minimum the following information:

(a) Title and Applicant Information:

(1) The name, address and phone number of the property owner;

(2) The name, address and phone number of the person or firm that prepared the Planned Unit Development Graphic and the Development Guide;

(3) The name of the proposed Planned Unit Development; and

(4) Date of preparation and dates of revisions;

(b) Statement of Intent - provide a brief description of the general project concepts and the purpose of the request;

(c) Permitted Uses - Describe the proposed uses to be included in the Planned Unit Development (see the appropriate Development Guide template for the type of uses proposed);

(d) Lot and Building Standards - height limitations, building setbacks, and building envelopes;

(e) No-Build Area Restrictions - no structures shall occur in the 100-year floodplain, slopes greater than twenty percent (20%), critical wildlife areas, areas of highly- expansive soils, etc.;

(f) Parking Requirements;

(g) Fences and Retaining Walls standards;

(h) Lighting standards;

(i) Sign standards;

(j) Large Animal Units (if applicable);

(k) Open Space: a description of areas to be dedicated as open space together with an open space management plan described the proposed maintenance of the open space;

(l) Landscaping standards;

(m) Utility Requirement - All distribution and/or service lines for all utilities must be underground from the drop-pole to the service destination;

(n) Design/Architectural Standards;

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(o) Pedestrian Circulation.

3. Planned Unit Development Graphic - The following information and standards shall apply to the Planned Unit Development Graphic:

(a) All sheets shall be 24" x 36" format;

(b) A margin, at least one inch (1") on all sides, except the left-hand margin shall be a minimum of two inches (2");

(c) The name of the Planned Unit Development Exhibit, centered on the upper portion of each sheet;

(d) The sheet number in the lower right hand corner of each sheet (Sheet 1 of __);

(e) Case # in the upper right corner of each sheet;

(f) Signature blocks and Certifications for CDS Director, Planning Commission, Board of County Commissioners, Clerk & Recorder, and Owner;

(g) 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 if not platted;

(h) Vicinity Map – A 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 two (2) miles of the subject property and the proposed access to the property;

(i) Names, addresses, and phone number of owner, representative, and individual/firm preparing the document;

(j) 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 Number and/or Book Number and Page Number, if applicable), etc.;

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

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

1. Final road alignments

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2. Final configuration of lot and tract sizes and shapes

3. Final building envelopes

4. Final access and parking locations

5. Landscape adjustments"

(l) Applicability Statement (to be included on the first page of PUD Exhibit):

"Except as expressly provided otherwise on this Planned Unit Development Exhibit, development of this property shall conform to the Elbert County Zoning Regulations in effect at the time of final plat recordation."

(m) "Development Guide" information shall be included on the first and any necessary subsequent sheets of the Planned Unit Development Graphic, with lettering being a minimum font size of twelve (12) point. (Note: For processing purposes during review, the textual information may be prepared on 8-1/2" X 11" paper format);

(n) 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;

(o) Existing zoning, land uses, and owner's name and addresses shall be indicated for adjacent properties;

(p) Existing easements shall be shown on the site plan with reception number and/or book and page reference, their purpose, their benefiting party, and whether or not the easement will remain on the subject property;

(q) 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;

(r) Topography of the site shall be shown at two foot (2') contour intervals unless other intervals are approved by the CDS Director. Areas of twenty percent (20%) slope or greater shall be noted;

(s) 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;

(t) All natural and man-made water courses, detention areas, streams/creeks, and lakes shall be shown. Any 100-year (1%) flood plains affecting the property shall be indicated;

(u) No-build areas that restrict building in hazardous areas shall be indicated;

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(v) Significant treed areas on the subject property shall be indicated.

F. Planned Unit Development Review Criteria

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 conforms to and is generally consistent with the goals and policies of the Elbert County Comprehensive 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 unreasonable traffic congestion or burden the existing road system without improvements.

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.

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ARTICLE VIII. DESIGN GUIDELINES FOR RESIDENTIAL DEVELOPMENT

A. Purpose and Intent

1. All residential development requiring review and approval by CDS shall follow these standards and may need to include improvements on site and possibly adjacent right-of-way in compliance with the Elbert County Subdivision Regulations, as determined by the CDS Director. Each proposed development subject to these Design Standards will be evaluated against all applicable standards. Any applicable design standard(s) that is not addressed in the application will be noted by CDS and the applicant will be notified of any deficiencies. The applicant must either modify the application to meet the standard(s), or suggest a suitable, acceptable, alterative(s), before the application will be considered for public hearing scheduling. Should the applicant and CDS not be able to agree on whether or not the design standard(s) was/were met, the applicant may request in writing that the public hearing be scheduled before the Planning Commission and the matter presented at the hearing for discussion. No Board of County Commissioner public hearing will be scheduled until the Planning Commission has made its recommendation regarding the matter. The Board of County Commissioner public hearing will be scheduled within a reasonable time period relative to the Planning Commission's recommendation.

B. Visual Quality

1. Provide, maintain, and enhance landscaping buffers between roadways and development, with public access easements and all-weather surface trails along County roads that are classified as "arterials" or "collectors" as determined by Elbert County.

2. Establish landscaped entries with integrated monument signage, wall-mounted signage, or other acceptable solution that provides an attractive, unique entry into the development.

3. Screen utilities, electric/gas substations, water and sanitation facilities, and other visually undesirable elements with landscaping, topography, screen fencing, walls, or building placement.

4. Provide tasteful, visually attractive architecture, signage, and landscaping throughout the development.

5. Vary building setbacks and increase landscaped areas adjacent to "arterial" and "collector" roadways.

6. Maintain and enhance existing tree cover and native vegetation, particularly along drainages, roadway frontages, property perimeters, and along trail systems.

7. Shrubs, trees and other landscape plantings should emulate local natural conditions, e.g. undulate, rather than trees and landscaping placed in a linear fashion; and using species that are compatible with native species.

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C. Topography, Grading and Site Disturbance

1. Minimize site grading to prevent negative impact to existing vegetation, drainage patterns, animal habitat, and topsoil.

2. Use retaining walls to break-up long expanses of slope cuts. Use natural colored materials for retaining walls such as textured block, rock, or stone.

3. Re-vegetate disturbed areas and around retaining walls with native species and other plantings.

4. Emulate natural patterns in re-vegetation.

D. Native Vegetation, Open Space and Wildlife

1. All proposed residential developments should include open space designed to accommodate area wildlife, including migration corridors and habitat.

2. Connectivity between parcels is critical to protect these migratory corridors and habitats. Proposed residential developments shall be evaluated for wildlife connectivity potential with adjoining properties.

3. Critical wildlife habitat and migratory corridors, as identified by the Colorado Division of Wildlife and/or wildlife reports or studies shall be indicated on the Planned Unit Development graphic, if applicable, and the final plat as "no disturbance areas" or open space. Areas that are important to wildlife, such as riparian areas, land along the banks of drainages, streams, and other bodies of water, shall be protected by providing a substantial buffer between such areas and the developed portions of the site.

4. To facilitate movement for wildlife, exterior fencing will conform to Colorado Division of Wildlife standards.

5. Maintain natural vegetation ecosystems adjacent to and within bodies of water, streams, drainages, watercourses, and within associated wetlands.

6. Preserve threatened or endangered species of wildlife and/or vegetation.

7. Maintain the native forested areas. Avoid tree and vegetation removal by designing the project to accommodate existing stands of trees. Should it be necessary to remove a mature existing tree (in excess of ten inches (10") in diameter); two (2) trees of similar species, a minimum of six feet 6') in height, shall be installed as replacements for trees removed (Note: This standard does not apply when a wildfire mitigation plan is being implemented around structures.).

8. Properly mitigate any pine beetle or other serious infestation problem.

9. In forested areas minimize the removal of mature trees.

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10. Wildfires are a reasonable concern throughout the County. Defensible space should be maintained around structures for purposes of wildfire mitigation. The appropriate fire district should be consulted.

E. Open Space, Recreation, and Trails

1. Larger buffer areas of open space may be required along property perimeters, particularly when more dense development is proposed adjacent to larger parcels.

2. Natural buffers of open space will be located such that logical connections for future open space on adjacent parcels are considered. This will result in larger, contiguous blocks of open space between the parcels. Where possible, proposed developments should align open space with open space in existing, adjacent subdivisions.

3. Trails should connect internal open spaces and should extend to the property boundary or logical extensions on adjacent parcels.

4. Preservation of significant natural resources such as forested areas, wildlife habitat, migratory corridors, creeks and drainages, significant ridgelines, wetlands, and historic, cultural, and archeological resources is encouraged.

5. Significant natural resources, as described above, shall be indicated on the Planned Unit Development graphic, if applicable, and recorded final plans "Perpetual Open Space", with notes added to the recorded final plat as to ownership and maintenance responsibilities associated with the open space.

6. Open space opportunities on the subject property shall be evaluated during the initial design and planning stages of the development. Opportunities for future connectivity of open areas and trails on adjacent parcels shall be evaluated at the same time, with the intent of creating large contiguous blocks of connecting open space in and around the developed portions of the properties.

7. The quantity of designated open space shall be in accordance with the Elbert County Subdivision Regulations.

8. Open space should be conveyed to either a special district, a qualifying non-profit entity, Elbert County, or other group acceptable to the County that has the ability and financial resources required to administer and perpetually defend the open space for its intended use.

9. Open space should include water in sufficient amounts to satisfy the needs of the open space and provide adequate firefighting water supply.

10. As parcels adjacent to and in the vicinity of regional parks develop, accommodations for trails connecting neighborhoods to the regional park shall be

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designed and built prior to the issuance of the first building permit (other than permits for model homes) in the development.

11. Open space may be put to either passive (trails, tables and benches for picnics, habitat, landscape or natural resource preservation) or active (ball fields, tennis or basketball courts), or both.

12. Locate active recreational fields and areas so as to minimize negative impacts to surrounding properties. Parking areas and internal traffic circulation for the recreational activities and parks shall be located such that the impact to existing surrounding residential areas is minimized.

13. Lighting associated with ball fields, parking areas, or other recreational facilities shall be sensitive to surrounding residential uses and designed to minimize glare and other objectionable light pollution. Light fixtures shall be downcast, with automatic shut-off capability. Lighting shall be turned-off when not in use to illuminate ball fields. Parking lot lighting and security lighting shall be kept to the minimum required for safety. Lighting standards associated with outdoor recreational activities will be included in the PUD Development Guide.

14. Trail easements shall connect various portions of the development, be provided along arterial and collector road frontages (as identified in the "Future Roadway System Map"), along drainages, connecting open space within the development, and connecting stubs at the perimeter of the subject property shall be provided and shown on the Planned Unit Development graphic, if applicable, and the recorded final plat.

15. Trail easements will be a minimum of twenty feet (20') in width, and the original developer will provide a minimum eight foot (8') all-weather trail surface. All open space parcels shall be shown and labeled on the Planned Unit Development graphic (if applicable), described in the Development Guide (if applicable), and shown on the recorded final plat as "Perpetual Open Space", with notes added to the recorded final plat as to ownership and maintenance responsibilities associated with the open space and trails.

16. Provide, maintain, and enhance landscaping buffers between roadways and development, with public access easements and all-weather surface trails along County roads that are classified as arterials or collectors on the "Future Roadway System Map". Public access trail easements and trails shall be provided along drainages within proposed developments.

F. Hazards

(Compliance with items in this section will be evaluated after referral comments have been received.)

1. If applicable, locate building envelopes to minimize tree removal due to wildfire hazard.

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2. In areas of known wildfire hazard, establish a defensible space per Colorado State Forestry Service guidelines and coordination with local fire district standards.

3. Provide fire cisterns and water storage as required by the governing fire district.

4. Avoid the potential for flood damage to structures and loss of life by locating structures a minimum of one (1) foot higher than the 100-year flood elevation.

5. Developers will provide flood studies to determine impacts to the mapped 100-year (1%) floodplains, for those properties with flood potential.

6. Maintain drainage and creek boundaries and alignments through a process of site design and development that is responsive to natural storm drainage conditions.

7. Engineer and design all modifications to the floodplain so that the flooding hazard and any erosion/sedimentation does not increase upstream or downstream of the development.

8. Avoid structure and road construction in areas of expansive soils, without proper mitigation.

9. A preliminary soils report that identifies the various soils types on the proposed development parcel shall be provided during the Preliminary Plat submittal. Should the preliminary soils report indicate the potential for expansive soils, a more detailed soils report and mitigation strategy shall be provided during the preliminary plat process, with all soils issues being resolved prior to approval of the Final Plat.

G. Circulation and Off-Site Improvements

1. Provide safe ingress and egress to all residential developments by maximizing the sight distances and providing left/right turn lanes and/or acceleration/deceleration lanes as required to make the entry function as safely as possible.

2. Provide adequate turn-around and back-out areas for fire truck access throughout the development. Stubs for future road extensions shall terminate with a cul-de-sac designed per County specifications.

3. A sufficient number of off-street parking spaces shall be provided for any multi-family housing component.

4. Developments that are adjacent to county roads, future extensions of roads as depicted on the "Future Roadway System Map", or potential section lines roads shall dedicate the necessary right-of-way to Elbert County for the road, according to the right-of-way depicted on the map. Should the proposed development generate sufficient traffic volume to warrant improvements to or construction of adjacent roadways, the road should be dedicated and built prior to the issuance of the first building permit per filing of the final plat.

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H. Entrances and Access

1. Establish landscaped entries with integrated monument signage, wall-mounted signage, or other acceptable solution that provides an attractive, unique entry into the development (see specific examples in the "Signage" and "Landscaping" sections of this document).

2. A landscape plan shall be submitted with all residential Planned Unit Development rezonings. This plan shall include landscape materials and planting design for the entries, streetscape, and other areas of plantings within the development, entry signage details for monument or wall-mounted signage signs, and any wall details or other features at the entry to the development.

3. Vision Clearance Triangle-No fence, wall, hedge, vegetation, or other obstruction over forty-two inches (42") in height shall be erected, placed or maintained within a twenty-five foot (25') (forty foot (40') for collectors and arterials) visual clearance triangle formed by the property line immediately adjacent to a street, road, or non-residential driveway.

I. Landscaping

1. A landscape plan which details quantity, type, and size of planting materials and standards for landscape installation shall be submitted as part of the Planned Unit Development process, if applicable and the final plat process. Such plan shall be prepared by a qualified landscape architect. Specific landscaping details will be provided for entries to residential subdivisions, streetscapes, areas to be screened, and any other areas where plant material is to be installed.

2. Use native species of plant materials to help ensure survivability and to minimize the need for supplemental watering. Xeriscaping shall be encouraged. Plans necessitating significant amounts of irrigation are not encouraged. A common sense approach relative to materials and plants is expected.

3. All installed plantings shall be watered as needed to ensure survival. All installed landscaping material shall be warranted and replaced for a period of two (2) years after its initial installation, and said warranty shall be referenced in the Subdivision Improvement Agreement for the development.

4. Landscape plans, landscape materials and installation exhibits, and performance guarantees shall be prepared according to the standards in the Elbert County Construction Standards & Specifications.

5. The following minimum standards shall apply to landscape plant material:
   - Evergreen Trees – Six feet (6') minimum height
   - Deciduous Trees - 1-1/2" Caliper
   - Shrubs – Five (5) gallon minimum

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J. Lighting

1. Light standards throughout the development shall be uniform and shall be integrated into the overall project design and architecture of the development.

2. Lighting shall be "downcast cutoff-type" fixture, which shall not cast glare on adjacent residential properties or roads.

3. Building-mounted lights must be directed downward and toward building.

K. Signage

1. Signage should have a consistent graphic theme throughout the subdivision.

2. Provide subdivision identification signage that exhibits craftsmanship and individuality for the subdivision, with attention to detail and emphasis on readability then artistic qualities and craftsmanship.

3. Subdivision identification signs shall be monument signage, wall signs, or other acceptable sign design solution.

4. Sign details, including subdivision entry signs, directional signs, and informational signs shall be provided at the time of Planned Unit Development application, if applicable. Sign sizes, materials of construction, and setbacks shall be established in the Development Guide for the Planned Unit Development, with the signs' locations being indicated on the Planned Unit Development graphic.

5. Internally-lighted plastic monument signs shall be prohibited.

6. All signs requiring permits shall be issued a sign permit by the Community & Development Services Office prior to installation.

7. Subdivision entries shall have a variety of plant materials that integrates and compliments the project identification signage. Plants shall be low-water consumption plants.

8. No signage and/or vegetation over forty-two inches (42") in height shall be allowed in the Vision Clearance Triangle as defined above.

L. Walls & Fencing

1. Avoid long, continuous expanses of wall and solid fencing. No exterior wall or solid fence shall exceed one hundred feet (100') without a change in material.

2. Any retaining wall over thirty-six (36") in height will require stamped design drawings and engineering calculations prepared by a Colorado licensed engineer.

3. No fencing or retaining walls shall be allowed within the "Vision Clearance Triangle".

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4. To facilitate movement for wildlife, exterior fencing will conform to Colorado Division of Wildlife standards.

M. Lot Standards

1. In general, larger lots should be located near the perimeter of the property, with a transition of smaller lots toward the interior of the development.

2. Use building envelopes and "no-build" areas to provide privacy and to protect sensitive areas on the site.

3. Developer will provide a plan for storm water management and drainage.

4. As much as practical, developer should offset building envelopes to provide privacy and visual variety.

5. When transitioning between lower and higher density residential uses, ensure that higher density uses are compatible with adjacent lower density developments by incorporating one or more of the following:

(a) Increase setbacks and landscape buffering on common boundaries;

(b) Use existing topography and sculpted terrain to provide visual screening between developments;

(c) Graduate uses by intensity, where more intense uses are furthest away from least intensive uses. In general, more intensive uses should be located along collectors or arterials, or strategically placed within the interior of new developments;

(d) Buffer between uses with vegetation and berming;

(e) Within a mixed-use Community, when a commercial development is proposed adjacent to a residential area, all exterior walls shall be finished with similar architectural materials as the front elevation, windows excepted; and

(f) Use natural features to create an edge or boundary (e.g. drainages or tree lines).

N. Services, Utilities, & Public Facilities

1. All utilities associated with development should be designed and positioned to minimize visual impact.

2. All utilities associated with the development shall be placed underground from the main service meter pole and throughout the entire development.

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3. All utilities shall be installed at the sole cost of the developer and costs shall not be borne by Elbert County.

4. Substations, water treatment buildings, water storage tanks, free-standing utility equipment and pads, lift/pump stations and any associated above-ground piping, and other utilitarian structures, shall be screened with landscaping and berming, screen fencing and landscaping, or other suitable screening that minimizes negative visual impact.

5. In addition, all residential developments shall have an adequate three hundred (300) year water supply/aquifer preservation in accordance with the Elbert County Subdivision Regulations and shall comply with all provisions of HB 08-1141, at the time of application for rezoning or final plat.

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ARTICLE IX. ECONOMIC DEVELOPMENT ZONE 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. EDZ 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 these Elbert County Zoning Regulations.

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.

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 & Development Services (CDS) Director to determine if the EDZ inclusion request is appropriate for the CDS

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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 owner may request the Board of County Commissioners initiate the inclusion through Article III. D. of the Elbert County Zoning Regulations.

(c) If both the CDS Director and the Board of County Commissioners 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 Board of County Commissioners.

(d) Board of County Commissioners 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 Board of County Commissioners.

(e) If the inclusion request is approved by the Board of County Commissioners the Elbert County Zoning Map will be updated to include the subject property within the EDZ Overlay District.

(f) If the Board of County Commissioners 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

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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 Board of County Commissioners 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 Board of County Commissioners approval, and any other necessary County approvals, the applicant may commence with the approved development and/or use.

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 Intergovernmental Agreements (IGA) with incorporated towns/municipalities located within the County that defines a referral

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process for all planning and zoning applications submitted to the County for lands located within three miles of current town borders (three-mile area).

(a) 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.

(b) 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.

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 Board of County Commissioners in a public hearing.

(c) A separate EDZ Subdivision application is submitted to the Community & Development Services Office.

G. EDZ Standards

1. Permitted uses within the EDZ shall be those uses identified in the Land Use Table in Article V. D. of these 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 Article XII of these Regulations, as amended and shall comply with all state and federal standards.

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(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 Article XI of these Regulations, 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 Board of County Commissioners during the EDZ 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.

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ARTICLE X. NONCONFORMITIES

A. Nonconforming Lots

1. In any zone district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single legal lot which was of record before these regulations were adopted on the 1st day of February, 2019, or amended. This provision shall apply even though such lots fail to meet the requirements for area, width, or both, that are applicable in the given zone district. However, all minimum setback requirements shall conform to the provisions within these regulations and amendments for the area.

B. Nonconforming Uses

A use of land which was lawful before these regulations were adopted or amended may continue to exist even though the use would be prohibited, regulated or restricted under the provisions of these Regulations and amendments, subject to the following provisions:

1. Such nonconforming use of land shall not be enlarged, expanded, extended, increased nor moved to occupy an area of land which was not occupied before these Regulations were adopted or amended.

2. If any such nonconforming use of land is discontinued for any reason for a period of more than six (6) months, a subsequent use of such land shall conform to the provisions of these regulations and amendments.

3. Any additional structures shall conform to the Elbert County Zoning Regulations and amendments.

C. Nonconforming Structures

A structure which was lawful before the Elbert County Zoning Regulations were adopted or amended, may continue to exist, even though the structure would be prohibited, regulated or restricted under the provisions of these regulations or amendments, subject to the following provisions:

1. Such nonconforming structures shall not be enlarged or altered in a manner which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Should such nonconforming structures, or positions thereof, be damaged or destroyed by any means, or declared unsafe by the County Building Department to an extent of more than fifty percent (50%) of the original structure, it shall not be reconstructed except in conformity with the Regulations of the Elbert County Building Department. If reconstruction of the building does not exceed fifty percent (50%) of the original structure, the structure may be strengthened or restored to a safe condition

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provided the original nonconformity is not enlarged, increased or extended and the construction is commenced within ninety (90) days, providing the new building complies with the adopted building code.

3. Historic Buildings.
Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of the adopted building code when authorized by the Building Official, provided:

(a) The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.

(b) Any unsafe conditions as described in the adopted Building Code are corrected.

(c) The restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

4. Should such nonconforming structures be moved for any reason for any distance whatsoever, it shall conform to the provisions of the zoning district in which it is located after the move.

D. Nonconforming Uses of Structures

A use of structures which was lawful before these regulations were adopted or amended, may continue to exist even though the use would be prohibited, regulated or restricted under the provisions of these regulations or amendments, subject to the following provisions:

1. Existing structures devoted to a nonconforming use shall not be enlarged, expanded, extended nor altered to accommodate nonconforming uses or other uses not allowed in the zoning district in which the structure is located.

2. A nonconforming use may be extended throughout the same structure if no structural alteration of such structure is proposed or made for the purpose of such an extension, provided a conforming use is not displaced.

3. If a permitted use supersedes a nonconforming use in all or part of an area in a structure, that area shall thereafter conform to the provisions of the Elbert County Zoning Regulations and Amendments.

4. When a nonconforming use of a structure is discontinued or abandoned for six (6) months, any subsequent use of such structure shall conform to the provisions of the Elbert County Zoning Regulations and Amendments.

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5. All buildings or structures regulated by the adopted Building Code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment, is for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the adopted Building Code, are hereby designated as unsafe building appendages. All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth below.

E. Termination of Nonconforming Uses

The Board of County Commissioners may require the termination of a nonconforming use, subject to the following provisions:

1. The Board of County Commissioners may initiate a public hearing through Community & Development Services on their own or upon the recommendation of the Planning Commission and/or Board of Adjustments.

2. Community & Development Services may schedule meetings before the Planning Commission and/or the Board of Adjustments and the Board of County Commissioners.

3. At least thirty (30) days prior to the Board of County Commissioners hearing, a notice of public hearing will be published by the County in at least one (1) issue of a newspaper of general circulation in Elbert County, Colorado.

4. At least fourteen (14) days prior to the public hearing before the Board of County Commissioners, Community & Development Services shall mail a notice of said hearing by Certified Mail, Return Receipt Requested to the property owner of affected property and owners of property adjacent to, and within thirteen hundred twenty feet (1320') of the property under consideration as shown in the records of the Office of the Elbert County Assessor.

5. Community & Development Services shall notify the affected property owner, in writing, within ten (10) working days of the Board of County Commissioners hearing, stating the action on the proposed termination of use.

6. If the proposed termination of a nonconforming use is approved by the Board of County Commissioners, the said use may be continued for a period of time, to be determined at the hearing, but not to exceed two (2) years from the date of approval, after which time the said nonconforming use shall cease.

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ARTICLE XI. SIGNS

A. Intent

This section is designed to assist the public in the installation of signs and establish reasonable standards and regulations for the same. Variances in the established requirements of this Section can be achieved through the established Variance procedure outlined in Article III.I of these Zoning Regulations.

B. General Requirements

1. The County cannot permit any Advertising Device, as defined in Colorado Revised Statutes (C.R.S.) 43-1-403, adjacent to and within six hundred and sixty (660) feet of the right-of-way for all State, Federal and/or Interstate Highways. Permits for appropriate advertising devices, as defined in C.R.S. 43-1-407, must be obtained from the Colorado Department of Transportation.

2. A sign permit shall be required from Community & Development Services for all signs exceeding six (6) square feet in area. In addition, a sign permit shall be required at any time the sign area is increased.

3. All signs located in the unincorporated portions of Elbert County, except those required for the posting of a Public Notice, shall comply with all applicable requirements, as provided for in this Article.

4. All requests for signage shall be accompanied by a drawing, fully dimensional, showing the sign message, and a site plan showing the location, setbacks, height and sign area of all proposed and existing signage.

5. Sign permit fees shall be established by the Board of County Commissioners, and payable to the Elbert County Treasurer.

6. The following signs shall be prohibited in all districts:

   (a) Portable signs which are not permanently affixed to any structure on the site or permanently mounted to the ground;

   (b) Signs mounted, attached or painted on motor vehicles, trailers or boats when used as additional advertising signs on or near the premises and not used in conducting a business or service;

   (c) Revolving beacons, flashing signs or signs with any type of animation or intermittent lighting effects;

   (d) Any signs emitting sound;

   (e) Political signs in public rights-of-way or on public property;

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(f) Signs for the purpose of general outdoor advertising of products or services or signs advertising a use, service or attraction not located in Elbert County;

(g) Flags, banners or other devices designed or allowed to wave, flap or rotate with the wind except for flags of any government or governmental agency or any civic, charitable, religious or fraternal organization except small company flags or banners during grand opening events for a two (2) week period;

(h) Signs located so as to conflict with the clear and obvious appearance of public devices controlling public traffic;

(i) Roof-mounted signs or signs which project above the highest point of the roof line or fascia of the building;

(j) Signs attached to a building which project perpendicular a distance of more than eighteen inches (18") from the wall;

(k) Signs attached parallel to the wall of a building but mounted more than eighteen inches (18") from the wall;

(l) Signs announcing a proposed development and/or proposed zoning prior to approval by the County Commissioners; and

(m) Signs are prohibited on any utility pole, traffic signpost, traffic signal, or any other traffic control device.

7. Signs within planned unit developments shall comply with the regulations of this Section, except when a separate development guide/standards is adopted by the Board of County Commissioners for that proposed PUD which incorporates separate guidelines for signage.

8. Signs may be internally illuminated unless otherwise prohibited by these Regulations; otherwise, the source-of illumination shall be shielded.

9. Where appropriate, double-sided signs are encouraged. A double-sided sign will be counted as one (1) sign, only if the content is the same on both sides. The square footage calculation of a double-sided sign will be determined in the respective sections of these regulations.

10. Unless specified, the maximum height of any sign in Elbert County shall be six feet (6').

11. All signs erected in a public right-of-way, by a public agency which controls or directs the traveling public, shall be exempt from the provisions of these Regulations. No signs will be permitted or erected in a dedicated right-of-way.

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12. Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust or loosening. Signs shall be able to safely withstand the maximum wind pressure for the area in which they are located. The County Building Official shall have the authority to order the repair, alteration or removal of a sign or structure which constitutes a hazard to life or property. In the event that such a sign has not been removed, altered or repaired within thirty (30) days after written notification from the County Building Official, the County shall have the authority to remove said sign or structure at the expense of the owner of the premises on which the sign is located.

13. Unless specifically stated, all signs shall be fifteen feet (15') from side and rear property lines. Unless specifically stated, all signs shall be twenty-five feet (25') from the road right-of-way easement. This shall be approved by the Elbert County Road and Bridge.

C. On-Site Signs

1. In A, A-2, RA, AR, RA-1, RA-2, R-1, and R-2 zone districts, the following on- site signs shall be permitted.

(a) One (1) identification sign per dwelling, excluding monumentation, provided the total surface area of such sign does not exceed six (6) square feet.

(b) One (1) temporary "For Sale", "For Rent" or "For Lease" sign per dwelling, provided the total surface area of such sign does not exceed six (6) square feet and is not illuminated. Such signage shall not be required to meet minimum yard setback requirements of the zone in which it is located, but shall not impair visibility for traffic movement.

(c) Multiple temporary "For Sale", "For Lease" or "For Rent" signs advertising vacant land provided that the total surface area of all such signs shall not exceed one hundred (100) square feet, or the total surface area of any one sign exceed fifty (50) square feet.

(d) One (1) identification sign per use by right or special use by review provided the total surface area of such sign does not exceed six (6) square feet, unless allowed otherwise during the special use by review process.

(e) In the Agricultural Zone District only, signs advertising the sale of projects produced or raised on the premises, provided that the total number of signs shall not exceed four (4), are not illuminated, and provided the total surface area of all such signs does not exceed forty (40) square feet.

(f) In residential developments, each entrance shall be limited to a maximum of two (2) signs. The total square footage of all entry signs, exclusive of monumentation, shall not exceed sixty-four (64) square feet for both signs.

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(g) Temporary advertising signs for the sale, rental or lease of dwelling units under construction or to be constructed (after approval) provided that no more than one (1) sign is located adjacent to each street abutting the subdivision, and providing that the total surface area of each sign does not exceed thirty-two (32) square feet. No such sign shall remain erected more than two (2) years or until the last dwelling unit is sold, whichever comes first.

(h) One (1) identification sign per model home within an approved subdivision, provided that the surface area of each sign does not exceed sixteen (16) square feet.

2. In B, C, LI and GI zone districts the following on-site signs shall be permitted:

(a) Directional signs are allowed and not counted as part of the total sign area allowed per individual use or per shopping center, business, commercial, or industrial park, provided that the total number of signs shall not exceed four (4), and provided that total surface area of each sign does not exceed eighteen (18) square feet.

(b) One (1) temporary "For Sale, "For Rent" or "For Lease" sign per street frontage, shall not be counted as part of the total sign area allowed per individual use or per shopping center, business, commercial, or industrial park, provided that the total surface area of each sign does not exceed one hundred (100) square feet per face (a maximum of two (2) faces are permitted for each sign).

(c) Individual businesses located on a corner lot, one (1) sign per each frontage abutting a public street, at the rate of one (1) square foot of sign area per one (1) lineal foot of allowable building frontage, up to a maximum of one hundred (100) square feet.

(d) Each use shall be entitled to a total fascia sign area of fifty (50) square feet; however, such sign area may be increased at the rate of one (1) square foot of sign area for each lineal foot of allowable building frontage in excess of fifty (50) lineal feet, to a maximum of one hundred (100) square feet of sign area Lease areas in excess of one hundred thousand (100,000) square feet shall be permitted a maximum of two hundred (200) square feet of fascia sign area per wall area visible to public rights-of-way.

(e) One (1) free standing, single-sided, identification sign per street frontage, which identifies the individual use, shopping center or business, commercial or industrial park. The sign cannot extend more than twenty-five feet (25') above ground level, and the total surface area cannot exceed one (1) square foot of sign area per three (3) lineal feet of street frontage to a maximum of

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two hundred (200) square feet per sign. Setback for this sign shall conform to the front yard setback of the zone district in which the sign is located.

(f) One (1) free standing, single-sided directory sign, per street frontage, which identifies the individual businesses within the center or park. The sign cannot extend more than twenty-five feet (25') above ground level, and the total surface area of such sign cannot exceed twenty-five percent (25%) of the square footage of the identification sign (see item "e" above).

(g) Identification signs (e) and directory signs (f) may be combined as a single structure. As a single structure, the directory sign may be increased to seventy-five percent (75%) of the square footage of the identification sign. The combined sign may also be double-sided, with only one (1) side counted against the allowable square footage.

(h) No sign shall be permitted which impairs visibility for traffic movement.

D. Off-Premise Signs

Permitted in all zoning categories are off-premise signs used to identify uses or services in Elbert County which are oriented toward highway travelers, directional signs for emergency services and advertising signs for real estate developments, provided that these signs meet the following criteria:

1. The uses or services for highway travelers, emergency services and real estate developments shall be located in Elbert County.

2. The off-premise sign is located not more than five (5) miles from the Community in which the use is located or from the use itself when located outside of an incorporated Community.

3. Each use shall be limited to one (1) off-premise sign per highway approach.

4. The off-premise sign shall not extend more than ten feet (10') above ground level and shall not exceed thirty-two (32) square feet in sign area.

5. The minimum distance between off-premises signs shall not be less than thirteen hundred and twenty (1320) lineal feet.

6. Off-premise signs located on property adjacent to and within six hundred and sixty (660) feet of the right-of-way for all State or Federal Highways shall be regulated by the Colorado Department of Transportation.

E. Sign Area Measurement

1. The area of a sign shall be measured in conformance with the regulations as herein set forth. The structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign.

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2. The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display, shall be measured by determining the sum of the areas in each square, rectangle, triangle, portion of a circle or any combination thereof, which creates the smallest, single continuous perimeter enclosing the extreme limits of the display surface of face of the sign, including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.

3. The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display, shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle, or any combination thereof, which creates the smallest, single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), emblems, or figures of similar character, including all frames, face plates, nonstructural trim or other component parts, not otherwise used for support.

4. The area of any sign having parts both with and without backing, shall be measured by determining the total area of all square, rectangles, triangles, portions of a circle or any combination thereof, constituting the smallest, single continuous perimeter enclosing the extreme limits of either of the following combinations: (1) the display surface of face of the sign including all frames, backing, face plates, nonstructural trim or, (2) other components parts not otherwise used.

5. In determining the sign permit fee, the parameters set forth in items 1 through 4 above will be utilized to determine total square footage. Where a sign has two (2) or more display faces, the square footage of all faces will be totaled to determine the permit fee.

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ARTICLE XII. OFF-STREET PARKING REQUIREMENTS

A. Intent

Off-street parking areas shall be required in all districts as an accessory use to buildings and uses newly constructed, enlarged or restored. Except as provided in other sections of these Regulations, off-street parking areas shall be according to the following minimum requirements.

B. General Requirements

1. Each standard off-street parking space shall be a minimum size of nine feet (9') by eighteen feet (18'). The parking space shall be arranged in such a manner so that a vehicle will not back directly from a required off-street parking space into a public right-of-way.

2. Each required off-street parking space shall have adequate access to a public street or other thoroughfare. Alleys, where they are utilized, shall only be used as a secondary means of access to a lot or parcel.

3. Each off-street parking space stall shall not be situated at an angle less than forty (40) degrees.

4. Each required off-street parking space, in all zoning districts, shall be properly graded and drained.

5. Each off-street parking area which is accessory to any principal use other than a single-family dwelling located on a lot in excess of ten thousand (10,000) square feet in size, shall be striped and surfaced with asphalt or concrete or other method approved by the CDS Director of Director of Public Works.

6. Each off-street parking area accessory to a principal use in the B, C, LI, GI or nonresidential areas of PUD zone shall be located on the same lot as the principal use, or within a common parking area within five hundred feet (500') of the specific use(s).

7. Each off-street parking area accessory to a principal use in the B, C, LI, GI or nonresidential PUD zone districts shall be located in the same zone district as the principal use and within five hundred feet (500') of the principal use.

8. No off-street parking area required for any use for the purpose of complying with the provisions of these Regulations shall be included as part of an off-street parking area similarly required for another use.

9. Required off-street parking in the B, C, LI, GI and nonresidential areas of the PUD zone shall be located not closer than fifteen feet (15') back of the required front property line and not closer than ten feet (10') back from side and rear property lines.

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10. Each off-street parking area containing parking spaces for fifty (50) or more vehicles, shall provide a landscaped area or areas dispersed within the parking area which shall be a portion of the overall site landscaping requirement and shown in an appropriate landscaping plan. The area may include storm water detention areas.

11. Required off-street parking area(s) may be phased in with proposed phased development Areas not improved shall be reserved for this purpose.

12. All open off-street parking areas with fifty (50) or more spaces shall be adequately screened from any adjoining residential development or zoned lot by a fence, wall, or plating at least four feet (4') in height which shall be maintained in good condition. Any lighting provided for a parking area shall be directed away from adjacent residential zoned or developed areas.

C. Residential Dwelling Units

1. Single Family Detached: Four (4) off-street parking spaces per dwelling unit.

2. Multifamily (duplex and larger): Two (2) off-street parking spaces per dwelling unit, plus one (1) guest parking space per four (4) dwelling units.

3. Mobile Home Parks: Two (2) off-street parking spaces for each mobile home.

D. Non-Residential Uses

1. Required off-street parking for non-residential land uses shall be based on the total gross floor area of all floors in the principal structure, excluding atriums, restrooms, mechanical areas, stairwells and elevator shafts.

2. Two (2) accessible parking spaces at a minimum size of twelve feet by eighteen feet (12' x 18'), shall be required per fifty (50) off-street parking spaces in all nonresidential zone districts. One (1) of each of the two (2) required accessible parking spaces shall be a van accessible parking space with an additional five feet (5') striped access aisle adjacent to the space. In shared parking lots there shall be one (1) accessible parking space per business.

3. Religious Gathering Buildings: One (1) off-street parking space per three (3) fixed seats in principal public areas (i.e., auditoriums), or one (1) off-street parking space per one hundred (100) square feet of gross floor area, whichever is greater.

4. Auditoriums and Other Places of Public Assembly: One (1) off-street parking space per three (3) fixed seats, or one (1) off-street parking space per one hundred and fifty (150) square feet of gross floor area, whichever is greater.

5. Hospitals and Similar Health Facilities: One (1) off-street parking space per two (2) beds and one (1) off-street parking space per two (2) employees, plus four (4) additional spaces for each twenty-five (25) beds.

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6. Schools and Institutions of Higher Education:

(a) Elementary and junior high schools: Two (2) off-street parking spaces per classroom.

(b) Senior high schools, colleges, business schools, universities and private schools: One (1) off-street parking space per employee, faculty and administrator; plus six (6) off-street parking spaces per ten (10) students.

7. Home Occupations: One (1) off-street parking space per permitted home occupation.

8. Hotels, Motels, Tourist Homes: One (1) off-street parking space per rental unit, plus one (1) off-street parking space per two (2) employees.

9. Rooming Houses and Similar Accommodations/Facilities: One (1) off-street parking space per two (2) rental units, or one (1) off-street parking space per four (4) guest beds, whichever is greater.

10. Restaurants, Bars and Similar Dining and Drinking Establishments: One (1) off-street parking space per three (3) seats, or one (1) off-street parking space per seventy-five (75) square feet of gross floor area, whichever is greater.

11. Senior Living Facilities and Similar Establishments: One (1) off-street parking space per two (2) employees, plus one (1) off-street parking space per five (5) beds.

12. Office Uses: One (1) off-street parking space per three hundred (300) square feet of gross floor area.

13. Other Business and Commercial Uses: One (1) off-street parking space per two hundred and fifty (250) square feet of gross floor area.

14. Industrial Uses: One (1) off-street parking space per five hundred (500) square feet of gross floor area.

15. Warehouses (including mini-storage facilities): One (1) off-street parking space per one thousand (1,000) square feet of gross floor area.

16. Utility Service Facilities: Three (3) off-street parking spaces per facility.

17. Major Facilities of a Public Utility: Parking requirements shall be determined through the Use by Special Review Procedure.

E. Planned Unit Developments

Off-street parking within Planned Unit Developments shall comply with the regulation of this section, except when a separate development guide/standards is approved by the Board of County Commissioners for the proposed Planned Unit Development (PUD), which incorporates separate guidelines for parking.

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ARTICLE XIII. GROUP EVENT PERMITTING

A. Intent and Purpose

This section is intended to provide for the orderly control of group events by establishing appropriate permit requirements and regulations in an effort to provide for the temporary use of land in all zone districts for group events and to ensure that no group event occurs which would have a significant negative effect on adjacent and nearby property owners, residents and businesses or which would be unsafe given prevailing site conditions, traffic and circulation patterns, land use characteristics and the nature of the proposed use.

Permitting must take place for "minor events", which are those involving over 100 individuals, but less than 500 individuals, and are not specifically exempted within these regulations.

Permitting for "major events", shall take place when an event involves over 500 individuals, and are not specifically exempted from permitting within these regulations.

B. General Provisions

1. Group events shall occur or operate in compliance with the provisions of this section and all applicable provisions and regulations of Elbert County, and applicable State and Federal statutes and regulations.

2. Issuance of a Group Event Permit shall not relieve the landowner or applicant of the responsibility for securing other permits or approvals required by the Community & Development Services (hereafter CDS), Public Works Department, Elbert County Public Health & Environment (e.g. vendor licenses, etc.), Office of Emergency Management, the applicable Fire Protection District, or any other agency of Elbert County or other public agency.

3. All group events requiring permits as set forth in this Article shall be approved by the Director of CDS.

4. The maximum cumulative number of days per year that group events (minor event, or major event, or any combination of the two) may occur on a residential or agricultural property shall not exceed 3 within a twelve (12) month period, prior to a Special Use by Review (SUR) approval being required.

5. The maximum cumulative number of days per year that group events may occur on a commercial or industrial property shall not exceed 30 within a twelve (12) month period, prior to a Special Use by Review (SUR) approval being required.

6. No group event shall include overnight accommodations not otherwise permitted by the underlying zoning or SUR.

C. Group Events Not Permitted

The following group events are prohibited throughout the County:

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1. Solicitation on or near public rights-of-way such that vehicles traveling upon the street/road or highway are disrupted.

2. Any event involving a Private Marijuana Club. Additionally, no event may be held on a residential property involving the distribution of marijuana or marijuana products where a fee is charged for the marijuana or marijuana products or for admission to the property.

D. Exempted Group Events

The following group events are exempt from the requirements of this Article:

1. Funeral processions;

2. Residential gatherings customarily incidental to a residentially zoned property, involving less than 100 individuals (e.g. barbeques).

3. Events which have received a permit or approval by a governmental entity (e.g. Elbert County Parks & Recreation, special districts) and which are contained entirely on the property owned or leased by the approving entity. Events contained entirely within a building and are associated with or interconnected with the property's permitted use(s). (i.e. Religious gatherings and functions, sale promotions, holiday parties at places of employment, school district sporting events.)

4. Emergency events including but not limited to responses to natural disasters, or other responses to health and safety emergencies that cannot meet the application deadlines specified in this Article or which occurred without advance knowledge.

5. Farmer's markets, if wholly contained on private property.

6. Brandings, shearings, or farm/ranch implement auctions or estate sales involving solely the implements of the land owner of record.

E. Group Events Not Requiring A Permit

Temporary or seasonal group events similar to or operated in conjunction with the permitted use are permitted without a Group Event Permit in all zone districts and Planned Developments provided all of the following are satisfied:

1. The event does not operate between the hours of 10:00 p.m. of one day and 8:00 a.m. of the next day.

2. The event is hosted by the property's owner of record and located entirely on private property with under 100 total attendees.

3. All parking for the event is contained on-site or on nearby private property with the permission of the landowner.

4. No on- or off-site grading or topographic alteration is required.

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5. No undue traffic congestion or traffic accident potential is generated.

6. No food service offered for public consumption or for sale.

7. Adequate water, sanitation, and refuse collection is provided.

8. No noise, dust, smoke, glare, light trespass or other form of environmental or visual pollution is generated which would have a significant negative effect on adjacent and nearby property owners, residents and businesses.

F. Group Events Requiring A Permit

1. Group Event Permit Required. The following group events shall require a Group Event Permit:

(a) Temporary events not wholly contained within a building or structure including, but not limited to, "Parade of Homes" type of events, carnivals, circuses, festivals, concerts, revivals, parades, road races, and other similar activities.

(b) Any group event affecting or within a public right-of-way.

(c) Any group event that does not satisfy any or all of the criteria listed in paragraph "E" of this Article.

2. Application. For *Minor Events* (100-499 people) – at least 45 calendar days prior to the requested start date. For *Major Events* (500 or more people in attendance) at least 60 calendar days prior to requested start date, of the proposed group event requiring a permit. A Group Event Permit Application shall be submitted to Community & Development Services and shall include the following information:

(a) A written description indicating:

(1) The type of event;

(2) The event sponsor(s);

(3) The location of the event and/or event route;

(4) A list of all roads affected and travelled;

(5) The duration of the event;

(6) The hours of operation;

(7) The expected water requirements (including the source and supply of water);

(8) The number of employees/volunteers;

(9) The number and location of toilets;

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(10) The anticipated attendance;

(11) Food and alcoholic beverages to be served;

(12) Temporary structures or fences proposed;

(13) The anticipated parking needs complete with data indicating how the demand was calculated and how the need is to be addressed;

(14) The surface material of the parking area;

(15) A method/plan for handling traffic in conformance with the Colorado Department of Transportation Manual on Uniform Traffic Control Devices and the Colorado Supplement;

(16) A statement of expected impacts to the subject land and surrounding properties; and

(17) How adverse impacts on surrounding properties will be minimized including a response to each of the performance standards established in this Article.

(b) A site plan (drawn to scale, showing all of the following in relation to existing and proposed buildings, parking areas, street/roads and property lines on the proposed site and on abutting properties):

(1) The location of the event or the event route;

(2) The location of the proposed structures (including restrooms, storage bins, trash receptacles, temporary buildings, etc.);

(3) The location of traffic controls proposed (including road barriers, detour signs, traffic control lights, traffic personnel, etc. all of which shall be paid for and provided by the applicant);

(4) Access to/from the site;

(5) Parking areas (showing access, number of parking spaces, parking barriers, surface, etc.); and

(6) Activity areas (e.g. parking area, alcoholic beverage area, children's play area, games area, seating, etc.).

This site plan shall also show any septic location if located within the parcel being utilized for the group event.

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(c) Written confirmation from the property owner(s) agreeing to the use of their property or right-of-way for the group event or a copy of the lease agreement.

(d) A non-refundable processing fee in an amount established by the Board of County Commissioners fee schedule.

(e) Evidence of availability of and access to water and sanitation services, if the event is to be served by public water and sewer. If portable toilets are proposed, evidence of a maintenance contract specifying the servicing and removal of all toilets.

(f) Evidence of a contract or agreement for on/off duty law enforcement personnel and proof of any required deposit in relation to such agreement if so required by the Elbert County Sheriff's Department or other organization required for sign-off approval of a group event application for the purposes of security, traffic control, or other purpose related to health, safety, or welfare.

(g) Evidence of a refuse contract for the collection and disposal of rubbish, specifying frequency of collection and final collection terms or such other description of refuse disposal approved by the Director of CDS.

(h) Description of medical facilities, personnel, and triage plan for event as required by the Elbert County Sheriff's Department, Elbert County Department of Health, or other organization required for sign-off approval of a group event application.

(i) Evidence of insurance for events proposed on land located within unincorporated areas of Elbert County, including public rights-of-way. This insurance shall include general liability covering claims that might arise from the event including participant and spectator liability in a minimum amount of $1,000,000 per occurrence, with the County named as an additional insured. Block parties are exempt from the insurance requirements. Evidence of insurance may be submitted prior to issuance of the Group Event Permit rather than with the submission of the application.

(j) Lighting/Illumination plan for events that occur or extend past sunset, or begin before sunrise.

(k) A list of the number of attendees, as well as the number of tickets for the event.

(l) Written confirmation of approval of the event from:

(1) Colorado Department of Transportation for events affecting CDOT right-of-way;

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(2) Local fire protection district; and

(3) Elbert County Sheriff's Office.

(m) A plan for providing public notification along the route of events involving complete or partial closure of roads/streets.

(n) Any additional information deemed necessary by the Director of CDS.3. Application Review. The Group Event Permit Application shall be referred to any other County or non-County agency, registered association or official whose consideration is deemed essential to a full and complete assessment. In reviewing the application, the following shall be considered by the Director of CDS:

(1) The adequacy of the site plan;

(2) The adequacy of the size and shape of the site to accommodate the group event proposed;

(3) The adequacy of the surrounding street/road network to serve the kind and quantity of traffic anticipated by the proposed group event including the adequacy of the proposed traffic controls;

(4) The ability of local fire protection to service the event;

(5) The ability of law enforcement to service the event;

(6) Noise, light, dust, odor, or any other impact from the group event to surrounding properties and uses;

(7) The preservation of the public health, safety or welfare of surrounding properties and uses;

(8) Compliance with other requirements of this Article; and

(9) The adequacy of the public notification plans.

4. Action on Application. The Director of CDS may take the following action:

(a) Issue the permit. If the proposed group event conforms in all respects with the applicable provisions, requirements and standards of this Article or if it can be made to conform with the imposition of conditions.

(b) Deny the permit. If the proposed group event fails to conform with any of the provisions, requirements or standards of this Article. If denied, the Director of CDS shall specify the reasons therefore, in writing, citing specific requirements, provisions and standards contained in this Article or in other applicable provisions of zoning, subdivision, or other applicable regulatory documents that were not met.

5. Appeals. Any decision of the Director of CDS, with respect to a Group Event Permit Application, may be appealed within 30 calendar days of such decision to the Board of Adjustment.

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6. Enforcement.

(a) Inspections. The County may enter and inspect the group event site from time to time to ensure compliance with the Group Event Permit conditions and to enforce the provisions of this Article. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. Other agencies such as the fire protection district which is responsible for the jurisdiction of where the event is occurring may also conduct their own inspections and ensure compliance with the conditions for which they are responsible.

(b) Suspension and Revocation of Permit. The Director of CDS may suspend or revoke a Group Event Permit for violation of any provision of this Article or any other applicable law, rule or regulation, for violation of the Permit conditions, or for any misrepresentation by the applicant, his agents or his employees or independent contractors under contract with the applicant. The decision of the Director of CDS to suspend or revoke a Group Event Permit may be appealed to the Board of Adjustment. No event shall occur while a suspension or revocation appeal is pending except as authorized by the Director of CDS. Failure to comply with this Article or with the Group Event Permit conditions is a violation of these Zoning Regulations.

G. Special Event Performance Standards

All group events shall comply with the following standards:

1. Cessation of the Event. Within 24 hours of cessation of the event, the site shall be returned to its previous condition (including the removal of all temporary buildings and structures, trash, debris, signage, attention-attracting devices, or other evidence of the group event).

2. Grading. Any necessary grading or topographic alterations shall conform to the requirements of the Road Use/Public Private Improvement Standards, and acquire any necessary grading permit with the Public Works Department. In the event that more than 1 acre is disturbed, a Colorado Department of Public Health and Environment (CDPHE) storm-water permit and any applicable U.S. Army Corps of Engineer permit may also be required.

3. Traffic Circulation. The group event shall not cause undue traffic congestion or accident potential as determined by CDS, the County Engineer, the Sheriff's Department, or the Public Works Department.

4. Sewer, Potable Water, Refuse and Other Nuisances. Management of sewage, potable water, refuse and other nuisances shall conform to the requirements of Elbert County Public Health and Environment.

5. Food Service. Management of food service shall conform to the requirements of Elbert County Public Health and Environment.

6. Signage. All proposed signage shall comply with the Elbert County Subdivision, Zoning, and Sign Regulation standards.

7. Structures and Fences. Temporary structures and fences shall be permitted for group events. All proposed structures and fences shall comply with the requirements of

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height, setback, and fencing requirements of the underlying zone district except that no structure shall be erected, placed or maintained within 10 feet of any right-of-way (unless the right-of-way has been closed as part of the Group Event) and a Miscellaneous Permit is not required for any structure or fence proposed in conjunction with a group event. Conformance to the regulations related to structures or fences shall be reviewed simultaneously with the Group Event Permit Application.

8. Light. All proposed lighting shall be reviewed simultaneously with the Group Event Permit Application.

9. Vision Clearance Triangle/Sight Distance. The group event shall comply with the vision clearance triangle/sight distance requirements of the County Zoning Regulations and County Construction Standards & Specifications, and shall be consistent and in compliance with the Elbert County Public/Private Improvement Standards.

10. Other Conditions. The Director of CDS may establish any permit conditions deemed necessary to minimize potential adverse impacts on nearby properties or uses, including but not limited to the following:

(a) Modifications or restrictions on the hours and frequency of operation, duration of the event(s), size of the activity or other operational characteristics.

(b) Limits on decibel, noise level, or distance away from which an event may be heard.

(c) Limitations on the location, number, and type of signs and other attention-attracting devices.

(d) Requirement of temporary arrangements for parking and traffic circulation.

(e) Requirements for screening or buffering.

(f) Requirements for County inspections.

(g) Requirements for public notice along the route of races involving complete or partial closure of roads/streets.

(h) Guarantees in the form of a Bond or cash deposit for the total estimated cost (as provided by the applicant) plus 10% of any site restoration related to any on-site land disturbance, for the dismantling and removal of all structures, and for all clean-up following the special event.

(i) Provision of any extraordinary services including but not limited to traffic control devices, security personnel, food service requirements, potable water requirements, refuse disposal, or any equipment required to protect the public health, safety, and welfare.

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ARTICLE XIV. NONCOMMERCIAL HOUSEHOLD PETS, DOMESTIC HOOFED LIVESTOCK, POULTRY, FOWL AND LIVESTOCK

A. Intent

The intent of this section is to provide guidelines and regulations for the keeping of animals/livestock on private property. These regulations are also for the maintenance of a healthy environment for humans and animals and for the protection of the ground and vegetation of the property.

B. Household Pets

1. Household pets inclusive of, but not limited to, dogs and cats shall be permitted in all zones allowing for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the property owner/occupant of any residential unit. Kennels, boarding facilities and commercial activities are not allowed as household uses, and must be permitted per these Regulations.

2. This provision does not apply to tropical fish, small animals (gerbils, rabbits, hamsters) and small birds kept as pets, unless raised for commercial purposes, kept outdoors or kept in an accessory structure.

C. Domestic Hoofed Livestock (Noncommercial)

1. Noncommercial, domestic hoofed livestock shall include, but not be limited to, horses, cattle, mules, sheep and goats. The following restrictions shall apply to such animals allowed in the R-1, R-2, RA-1, RA-2, RA, AR and A-2 zones. For PUD zoning refer to applicable Development Guide.

(a) R-1 zone: This zone shall allow two (2) equine. No other large animals, such as cattle, sheep and goats will be allowed.

(b) R-2 zone: This zone allows no large animals, such as horses, cattle, sheep and goats.

(c) No swine shall be allowed on parcels 4.999 acres or less.

(d) Notwithstanding the above, sanctioned organized youth educational programs, such as 4H, are allowed animal projects in allowed in R-1, RA, RA-2, RA-1, AR and A-2.

2. R-1, RA, RA-2, RA-1, AR and A-2 zones and non-conforming parcels of less than thirty-five (35) acres: The maximum density is one (1) animal unit per one-half (1/2) acre.

One (1) horse, mule or bovine = 1 unit

Five (5) sheep or goats = 1 unit

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One (1) swine = 1 unit

One (1) llama = 1 unit

Two and one-half (2 ½) alpacas = 1 unit

Two (2) ostriches = 1 unit

Four (4) miniature horses = 1 unit

3. Young animals under six (6) months of age may be kept until weaned without counting toward the allowable unit limit.

4. When the number of animals on a parcel of land equals one (1) animal unit, a shelter shall be required.

5. Although the entire lot may be fenced, a containment area (corral) must be provided where the animals will normally be penned and supplementary fed if the animal unit exceeds one (1) per thirty-five (35) acres. A grazing plan on the balance of the parcel may be acquired from the Soil Conservation District, the County Extension Office or the Elbert County Community & Development Services.

(a) The containment area (corral) should be adequate in size for the number of animals involved and shall not exceed ten percent (10%) of the gross lot acreage or one-half (1/2) acre, whichever is less.

(b) The containment area (corral) shall not be constructed closer to any property line than the zone accessory use setback allows.

6. Existing exceptions as applicable to building, fencing, containment area size and setbacks will be subject to the regulations outlined in the Nonconforming Uses and Buildings, Article X of these Regulations.

7. Regular removal or spreading of manure is required so that it does not become unsightly to neighbors or passersby.

8. The possession of animals will not be allowed to create excessive odor and noise problems or present health hazards to surrounding properties.

9. Adequate drainage facilities or improvements shall be provided by the property owner and constructed so as to protect any adjacent properties from runoff containing contaminants such as sediment or organic wastes.

D. Poultry, Fowl and Small Livestock (Noncommercial)

1. Domestic, noncommercial use of poultry or fowl shall include, but not be limited to: chickens, turkeys, pigeons, small birds and ducks. Small livestock shall include, but not be limited to: rabbits, chinchillas or similar animals.

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2. On parcels containing more than 34.999 acres, there shall not be a limit on the number of poultry, fowl or small livestock allowed except when the keeping of such is not for domestic, consumptive, hobby or pet uses by the residents of the parcel of land. A containment area for the below listed zoning for the poultry or fowl shall be required and not be closer than fifty (50) feet to any property line. Small livestock for the below listed zoning must be properly housed (i.e., rabbit hutches) and not be located closer to any property line than the zone accessory use setback allows.

(a) A-2 & AR: A maximum number of thirty (30) poultry and/or fowl and fifty (50) rabbits or other small livestock shall be allowed.

(b) RA-1, RA-2 and R-1: A maximum number of fifteen (15) poultry and/or fowl and twenty-five (25) rabbits or other small livestock shall be allowed.

(c) R-2: A maximum number of three (3) poultry and/or fowl and six (6) rabbits or other small livestock shall be allowed.

(d) For PUD Zoning refer to applicable Development Guide

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ARTICLE XV. FLOOD DAMAGE PREVENTION & FLOODPLAIN MANAGEMENT

A. Statutory Authorizations

The Legislature of the State of Colorado has, in C.R.S. § 29-20-101 et seq. and C.R.S. § 30-28-101 et seq. of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Elbert County Commissioners of Elbert County, Colorado, do hereby adopt the following floodplain management regulations:

B. Findings of Fact

1. The flood hazard areas of Elbert County are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

C. Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Protect human life and health;

(b) Ensure that landowners of areas of special flood hazards assume responsibility for their actions;

(c) Minimize expenditure of public money for costly flood control projects;

(d) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(e) Minimize prolonged business interruptions;

(f) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(g) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas;

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(h) Insure that potential buyers are notified that property is in a flood area; and

(i) Comply with the program requirements of the Federal Emergency Management Agency (FEMA) in order that national flood insurance to County residents remains available.

D. Methods of Reducing Flood Losses

In order to accomplish its purposes, these regulations use the following methods:

(a) Restrict or prohibit uses that may be dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Require water supply and sanitation systems to be protected against flood damage at the time of initial construction so as to prevent disease, contamination and unsanitary conditions;

(d) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(e) Control filling, grading, dredging and other development which may increase flood damage;

(f) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and

(g) Delineate areas that could be inundated by flooding thereby protecting individuals from purchasing floodplain land for purposes which are not suitable.

E. General Provisions

1. Lands to Which These Regulations Apply.

These regulations shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of Elbert County, Colorado.

2. Basis for Establishing the Areas of Special Flood Hazard.

(a) The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Elbert County," dated March 17, 2011, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of these regulations. These Special Flood Hazard Areas identified by the Flood Insurance Study (FIS) and attendant mapping are the minimum area of applicability of these regulations and may be supplemented by studies designated and approved by the Elbert County

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Board of Commissioners. The Floodplain Administrator shall keep a copy of the FIS, DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

(b) Boundary.

(1) The floodplain is composed of the 100-year Floodplain and a subarea within the floodplain called the floodway which must be reserved in order to discharge the 100-year flood without increasing the water surface elevation more than one half foot at any point.

(2) The boundary of the floodplain shall be the boundary of the 100-year floodplain as identified on the latest Flood Insurance Rate Map (FIRM) produced by FEMA, and any associated revisions or amendments thereto.

(3) When base flood elevation data and floodway data have not been provided in accordance with the FEMA Flood Insurance Study, the Floodplain Administrator shall require applicants to use other base flood elevation and floodway information, if it exists. If this information does not exist, the applicant shall generate these studies.

(4) Base flood and floodway elevations must be determined prior to the permitting of new construction, substantial improvements, or other development in the 100-year floodplain (Zone A on FEMA maps) or adjacent to major drainage ways, not yet identified as Zone A on the FEMA maps.

(5) The Floodplain Administrator shall make the necessary interpretation of the location of the boundary of the floodplain. The decision of the Floodplain Administrator may be appealed to the Board of County Commissioners.

(6) If an individual wishes to appeal the flood elevation on the FEMA Flood Insurance Study for Elbert County, a Map Amendment or revision process is available through the Code of Federal Regulations (CFR). Contact the regional FEMA Office for this information.

3. Uses and Development Standards Within The Floodplain Boundary.

(a) Uses Prohibited. The following are strictly prohibited within the floodplain:

(1) Habitable structures, or commercial/industrial structures, except fish hatcheries, water-related recreational facilities, single-family dwellings and reconstruction of nonconforming structures in compliance with FEMA floodplain requirements and as allowed by an Elbert County Floodplain Development Permit;

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(2) Storage or processing of materials that are buoyant, flammable, explosive, or could be dangerous or cause injury in the time of flooding;

(3) Junk or salvage yards, or solid waste disposal facilities or landfills; and

(4) Oil and gas wells and extraction equipment

(b) Uses Permitted by Right. The following uses shall be allowed by right provided they are permitted in the underlying zoning district, and to the extent that they do not impair the flood- carrying capacity of the channel in compliance with the intent of this Section:

(1) Agricultural uses such as general farming, pasture, truck farming, sod farming, grazing and crop harvesting;

(2) Open Space;

(3) Recreational uses not requiring structures or fences, including parks, golf courses, driving ranges, picnic grounds, wildlife and natural reserves, game farms, target ranges, trap and skeet ranges, hunting, fishing, and hiking areas;

(4) Lawns, gardens, parking areas and other similar uses accessory to the residential use of the land;

(5) The Floodplain Administrator may determine which other uses may be allowed provided that they are very similar in nature to those permitted, and that they comply with the provisions of this Section.

(c) Uses Permitted by Floodplain Development Permit - Within the Floodway. The following listed uses may be permitted, within the floodway, by the approval of a Floodplain Development permit; however, some of these uses may require a Special Use by Review Permit pursuant to these Regulations.

(1) Underground pipelines, water monitoring devices, and utility and flood control facilities, including flow management areas, transmission lines, excluding aboveground support facilities.

(2) Roads or bridges.

(3) Accessory structures provided that flood hazards are mitigated.

(4) Certification by a registered Colorado professional engineer shall be provided to the Floodplain Administrator stating that the use will not cause any increase in the base flood elevation. (No-Rise Certificate)

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(5) The Floodplain Administrator may determine which other uses may be allowed provided that they are very similar in nature to those permitted, and that they comply with the provisions of this Section.

(d) Uses Permitted by Floodplain Development Permit - Within the 100-year Floodplain Boundary. The following listed uses may be permitted, within the 100-year floodplain boundary, by the approval of a Floodplain Development Permit; however, these uses may require a Special Use by Review Permit pursuant to these Regulations.

(1) Utility and flood control facilities, including dams, flowage management areas, transmission lines, pipelines and water monitoring devices.

(2) Roads or bridges.

(3) Loading areas, parking areas, airport landing strips and storage yards for equipment or machinery easily moved or not subject to flood damage when firmly anchored to prevent flotation.

(4) Fish hatcheries, and water-related recreational facilities, including marinas, boat rentals, docks, piers, wharves.

(5) Extraction of topsoil, sand, gravel or other materials.

(6) Public water and sewage treatment facilities and multiple-use water treatment facilities - New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.

(7) Public or private water storage facilities, including ponds and reservoirs - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(8) Channelization, bank stabilization or any activity which alters or relocates the configuration of the 100-year floodplain boundary. Any channelization, alteration, or relocation of a watercourse shall be in accordance with the provisions contained within the Elbert County Construction Standards and Specifications Manual. The above changes shall not cause an increase of more than one half foot in the base flood elevation with the exception of retention and/or detention facilities as approved by the Floodplain Administrator.

(9) Accessory structures - Refer to the flood-hazard mitigation measures listed herein which may be required.

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(10) Single-family dwellings and customary accessory buildings in compliance with FEMA floodplain development requirements and as allowed by an Elbert County Floodplain Development Permit.

(11) Reconstruction of a nonconforming structure or portion thereof which has been damaged or destroyed by any means or declared unsafe by the County Building Official, the cost of which equals or exceeds 50 percent of the market value of the structure before the damage occurred.

(12) The Floodplain Administrator may determine which other uses may be allowed provided that they are very similar in nature to those permitted, and that they comply with the provisions of this Section.

4. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with this Article (Article XV) of the Elbert County Zoning regulations and other applicable regulations.

5. Abrogation and Greater Restrictions.

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another regulation, resolution, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. Interpretation.

In the interpretation and application of these regulations, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under State statutes.

7. Warning and Disclaimer Of Liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of Elbert County or any official or employee

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thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

F. Administration

1. Designation of the Floodplain Administrator

The Director of the Elbert County Community & Development Services Office, or his/her designee, is hereby appointed the Floodplain Administrator to administer and implement the provisions of these regulations and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

2. Duties & Responsibilities of the Floodplain Administrator
Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(a) Maintain and hold open for public inspection all records pertaining to the provisions of these regulations, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any flood-proofing certificate required by Article XV, subsection G.

(b) Review, approve or deny all applications for development permits required by adoption of these regulations.

(c) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(d) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(e) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of these regulations, including proper elevation of the structure.

(f) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(g) When base flood elevation data has not been provided in accordance with Article III, subsection B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of this Article.

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(h) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones Al-30 and AE on the communities FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

(i) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones Al-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one half foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(j) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(k) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

G. Permit Procedures

1. Floodplain Development Permit. A floodplain development permit is required prior to the issuance of a building permit, any development, use or a change of use located in the floodplain which is subject to the provisions of this Section. The floodplain development permit is required in addition to other permits or review processes which may be associated with the underlying zone district. All applicable Federal and State permits shall be obtained prior to the issuance of a floodplain development permit.

2. Submittal Requirements

(a) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.

(b) Additionally, the following information is required:

(1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;

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(3) A certificate from a Colorado registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article XV, subsection C.5.b;

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with subsection F.2.

(6) One (1) hard copy and one (1) digital copy of the plan prepared by a Colorado registered professional engineer, drawn to scale showing:

i. The nature, location, dimensions and elevation of the lot;

ii. Existing or proposed structures;

iii. Fill;

iv. Storage of materials;

v. Flood hazard mitigation measures; and

vi. The relationship of the above to the location of the channel.

(7) One (1) hard copy and one (1) digital copy of a plan view showing:

i. Elevations or contours of the ground;

ii. Structures - size, location, and spatial arrangement;

iii. Embankment or structural fill or storage elevations;

iv. Streets, water supply and sanitary facilities - location and elevations; and

v. Soil types and other pertinent information.

(8) Specifications for building construction and materials, flood hazard mitigation measures, filling, dredging, grading, channel improvements, storage of materials, water supply and sanitary facilities.

(9) Additional information as requested or contained in the Elbert County Construction Standards and Specifications manual.

(10) One (1) hard copy and one (1) digital copy of a typical valley cross-section showing:

i. The channel of the stream;

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ii. Elevation of land adjoining the channel;

iii. Cross-sectional areas to be occupied by the proposed development; and

iv. Base flood elevations.

(11) One (1) hard copy and one (1) digital copy of a stream profile showing:

i. The bottom of the channel of flow line of the stream; and

ii. The 100-year water surface profile

(12) Include photographs showing existing land uses and vegetation upstream and downstream.

(13) Plans shall include a description of the extent to which any watercourse will be altered or relocated as a result of development.

3. Approval Criteria

(a) The Floodplain Administrator shall evaluate the application and submittal information and approve the permit, approve the permit with conditions, or deny the permit.

(b) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors:

(1) The potential danger to life and property due to

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The potential danger that materials may be swept on to other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

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(7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(10) The relationship of the proposed use to the Elbert County Comprehensive Plan for that area;

(11) An analysis of the effect of a proposed development upon the floodway, including hydrologic studies showing that the development will not cause any increase in the regulatory floodway elevation; and

(12) A determination of a site's suitability by:

i. A calculation of water surface elevations based on a hydraulic analysis of the capacity of the stream channel and over bank areas to convey the 100-year flood;

ii. A computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause upstream or downstream damage to existing or reasonably anticipated future development; any increase in flood stages attributable to encroachments on the floodplain of any river or stream shall not exceed one half foot.

4. Conditions of Approval

(a) Any of the following conditions of approval may be required by the Floodplain Administrator when granting a development permit:

(1) Modification of waste disposal and water supply facilities;

(2) Imposition of operational controls, including a limitation on periods of use and operation;

(3) Provision of bonds or other financial security to ensure that improvements are made according to the provisions of the permit and adequate maintenance is provided;

(4) Anchoring of all structures and facilities to resist flotation and lateral movement;

(5) Construction of water supply and waste-treatment systems in a manner which prevents the entrance of floodwaters;

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(6) Elevation of structures and uses to the base flood elevation plus one foot - (this shall not be construed to allow accessory structures in floodway); and

(7) Implementation of flood hazard mitigation measures shown on a plan certified by a registered Colorado professional engineer, including:

i. The installation of watertight doors, bulkheads and shutters;

ii. The reinforcement of walls to resist water pressures;

iii. The use of paints, membranes or mortars to reduce seepage of water through walls;

iv. The addition of mass or weight to structures to resist flotation;

v. The installation of pumps to lower water levels in structures, and to relieve hydrostatic pressure against foundation wall and basement floor pressures;

vi. Construction which resists rupture or collapse caused by water pressure or floating debris; and

vii. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

H. Variance Procedures

1. Administrative

(a) The Elbert County Board of County Commissioners shall be designated as the Appeal Board, and shall hear and render judgement on requests for variances from the requirements of these regulations.

(b) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these regulations.

(c) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of these regulations.

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(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Article IV, subsection C, "Approval Criteria" have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of these regulations, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations (Article I, subsection C).

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

i. Showing a good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.

(3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) Variances may be issued by the Appeal Board for new construction and substantial improvements provided that:

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i. The criteria outlined in Article IV, subsection D are met; and

ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2. Approval Standards for Granting Variances

The Board's decision shall be based on all technical evaluations, relevant factors, and the approval criteria located in subsection C, 4, of this Article (Approval Criteria), as well as relevant standards specified in other sections of these regulations.

I. Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these regulations and other applicable regulations. Violation of the provisions of these regulations by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $100 per day for each violation, and in addition shall pay all costs and expenses associated with the violation. Nothing herein contained shall prevent Elbert County from taking such other lawful action as is necessary to prevent or remedy any violation.

J. General Standards

1. General Floodplain Development Standards. When development is proposed adjacent to floodplains, or contains floodplain, or to the extent that physical improvements occur and these improvements raise the land above the base flood elevation, applicants shall be required to:

(a) Locate all new construction or substantial improvements of any residential structure so that the lowest floor, including basement, is elevated a minimum of one foot above the base flood elevation. A Colorado registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Subsection G of this Article *Floodplain Development Permit and Procedures* is satisfied.

(b) Locate all new and substantially changed non-residential structures, and additions to existing non-residential structures so that the lowest floor, including basements, is placed a minimum of one foot above base flood elevation, or be flood-proofed to an elevation a minimum of one foot above base flood elevation. The structure must be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects

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of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

(c) Locate all new on-site sewage systems (including leach fields) in areas above the base flood elevation; (except the replacement of a failing system where no alternate location outside the 100-year floodplain is available.)

(d) Locate all new and replacement construction of public utilities and facilities that are located within the 100 year floodplain, such as sewer, gas, electrical, or water systems to minimize flood damage

(e) Locate all new and replacement construction of designated critical facilities located within the 100 year floodplain a minimum of two feet above the base flood elevation and when practicable, have continuous non-inundated access during a 100 year flood event

(f) Provide base flood elevation data for subdivisions proposed in area shown to having 100-year floodplains as determined by methods referenced in Subsection F. h. of this article and where no base flood elevation data exists

(g) Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse which is part of a 100-year floodplain and submit evidence of such notification to FEMA

(h) Maintain altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished, unless this maintenance responsibility has been accepted by a public entity

(i) Construct all new construction and substantial improvements:

(1) With materials and utility equipment resistant to flood damage;

(2) Using methods and practices that minimize flood damage; and

(3) With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(j) Anchor all new construction and substantial improvements to prevent floatation, collapse, or lateral movement of the structure so that it is capable of resisting the hydrostatic and hydrodynamic loads;

(k) Design fully enclosed areas below the lowest floor that are subject to flooding, to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters in the case of all new construction and substantial improvements. Designs for meeting this

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requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following criteria:

(1) A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than 1 foot above grade; and

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(l) Ensure that recreational vehicles be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has not permanently attached additions.

2. In all Special Flood Hazard Areas, the following provisions are required for all new construction and substantial improvements:

(a) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(c) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(d) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(e) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(f) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

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(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and,

(h) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

K. Specific Standards

In all Special Flood Hazard Areas where base flood elevation data has been provided as set forth in one of the following subsections of this Article (1) subsection E.2., or (2) subsection F.2.(g), or (3) subsection (Standards for Subdivisions), the following provisions are required:

1. Residential Construction

New construction and Substantial Improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential Construction

(a) With the exception of Critical Facilities, outlined in subsection O below, new construction and substantial Improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(b) A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the Floodplain Administrator, as proposed in subsection G of this Article.

3. Enclosures

(a) New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to

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flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(b) Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be not higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes

(a) All manufactured homes that are placed or substantially improved within Zones AI-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(b) All manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones AI-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (a), shall be elevated so that either:

(1) The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are at one foot above the base flood elevation, or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles

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All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

(1) Be on the site for fewer than 180 consecutive days,

(2) Be fully licensed and ready for highway use, or

(3) Meet the permit requirements of subsection G, and the elevation and anchoring requirements for "manufactured homes" in paragraph 4 of this subsection.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

L. Standards for Areas of Shallow Flooding (AO/AH Zones}

Located within the areas of special flood hazard established in subsection E of this article, may be areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(a) Residential Construction: All new construction and substantial improvements of residential structures have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(b) Nonresidential Construction: With the exception of Critical Facilities, outlined below, all new construction and substantial improvements of non-residential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A Colorado registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the

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standards of this Section, as proposed in subsection F of this article, are satisfied.

Within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

M. Floodways

Floodways - located within areas of special flood hazard established in Article III, subsection B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) If subsection I, 5below is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions

(c) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

N. Subdivision Proposals

1. All subdivision proposals including the placement of manufactured home and mobile home parks and subdivisions shall be consistent with subsections B, C, and D of these regulations.

2. All proposals for the development of subdivisions including the placement of manufactured home and mobile home parks and subdivisions shall meet Development Permit requirements of subsections E, G, and I of this article.

3. All subdivision proposals including the placement of manufactured home and mobile home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

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O. Standards for Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

(a) Classification of Critical Facilities.

(1) It is the responsibility of the Elbert County Board of Commissioners to identify and confirm that specific structures in their community meet the following criteria:

(2) Critical Facilities are classified under the following categories: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.

i. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:

- Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
- Designated emergency shelters;
- Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

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- Air Transportation lifelines (airports, municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

ii. Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

iii. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Elbert County Board of Commissioners that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of these regulations, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Elbert County Board of Commissioners on an as-needed basis upon request.

iv. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:

- Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- Refineries;
- Hazardous waste storage and disposal sites; and
- Above ground gasoline or propane storage or sales centers.

(3) Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is/are stored in quantities equal to or greater than the Threshold

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Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a Critical Facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation these regulations, but exclude later amendments to or editions of the regulations. Specific exemptions to this category include:

i. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

ii. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the Elbert County board of Commissioners, that local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

iii. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

iv. These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

v. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:

- Elder care (nursing homes);
- Congregate care serving 12 or more individuals (day care and assisted living);
- Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

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vi. Facilities vital to restoring normal services including government operations. These facilities consist of:

- Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the Elbert County Board of Commissioners that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with these regulations, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Elbert County Board of Commissioners on an as-needed basis upon request.

(b) Protection for Critical Facilities.

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of these regulations, protection shall include one of the following:

(1) Location outside the Special Flood Hazard Area; or

(2) Elevation of the lowest floor or flood-proofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation.

(c) Ingress and Egress for New Critical Facilities.

New Critical Facilities shall, when practicable as determined by the Elbert County Board of Commissioners, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

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P. Certification

1. It is hereby found and declared by the Elbert County Board of Commissioners that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that these regulations become effective immediately.

2. Therefore, an emergency is hereby declared to exist, and these regulations, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after their passage and approval.

3. In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local regulations, resolutions or codes."

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ARTICLE XVI. SPECIAL DISTRICTS

A. Intent and Purpose

1. The purpose of this Article is to effectuate the Special District Act and Title 32 of the Colorado Revised Statutes and to review applications for the creation, consolidation and modification of Title 32 Special Districts located wholly or partially in unincorporated Elbert County. All review, notice, hearing, and approval requirements shall be governed by the terms of the Special District Act and Title 32 of the Colorado Revised Statutes. All Special District Service Plans are ultimately reviewed and approved in District Court

B. Application

1. The following procedure, requirements and criteria shall apply to all new Special District Service Plan reviews.

2. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process.

3. Notification is required in accordance with the Special District Act and Title 32 of the Colorado Revised Statutes.

C. Special District Service Plan Review Process

(Refer to Article II.F.)

1. Pre-Application Meeting

2. Community Meeting

3. Formal Rezoning Application Submittal

4. Referral

5. Provide Comments to the Applicant

6. Applicant Responds to Comments.

7. Staff Review of Revised Submittal

8. Public Hearing Documents Submittal

9. Planning Commission and Board of County Commissioners' Public Hearings Scheduled

10. Public Hearing Notification

11. Planning Commission Public Hearing

12. Board of County Commissioners' Public Hearing (legislative matter)

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D. Review Criteria.

1. All service plan applications shall be reviewed using criteria All service plan applications shall be reviewed using criteria established in §32-1-203(2), C.R.S.

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APPENDIX A. DEFINITIONS

Abutting: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

Accessory Enclosure: An accessory enclosure is a cargo container, connex, or intermodal container designed and constructed to contain or carry freight, including semi-trailers without running gear, railroad car units and shipping containers. Accessory enclosures do not include mobile homes, manufactured homes, factory-built homes, travel trailers, commercial coaches or other metal storage boxes not built to the International Standards Organization (ISO) container specifications.

Accessory Structure: A subordinate structure detached from but located on the same parcel as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use.

Acre: An area in any shape containing 43,560 square feet.

Adjacent: See "abutting".

Adjacent: Having a common border with, or separated from such a common border by a right-of-way, alley or easement.

After Construction: After a home has been completed but before a Certificate of Occupancy (CO) has been issued, or, for structures not eligible to receive a CO, before a Final Inspection has been performed.

Agricultural Developments: Any development with a gross density of thirty-five (35) acres or greater, where the majority of each parcel remains as open agricultural ground and which is described by an approved and recorded plat describing each parcel by legal description as well as the easements, rights-of-way, etc. for roads and utilities which are intended to serve those parcels.

Agriculture Recreational Uses: Time-limited, social or commercial activities that last 60 (sixty) calendar days total per year of fewer, either spread out or together, on agriculturally-zoned parcels. These activities may include but not be limited to: seasonal and/or agricultural product (imported to site) sales; holiday/seasonal festivals; craft sales; religious activities; fairs, etc. This does not include fireworks stands. These uses must be permitted annually through the CDS Department and are not uses by right in any zone district. Any permits are subject to limits on hours of operation, noise, traffic, and other impacts the activity may produce. Other permits may

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Antenna: A metallic apparatus used for the sending and/or receiving electromagnetic signals.

Applicant: That person or firm who proposed action to be taken by the Elbert County Planning Commission.

Arterials: Roads that typically serve major traffic movements and function to move large volumes of traffic through a community. Major and minor arterials are planned for Elbert County, as indicated by the Future Roadway System Map.

Base Flood: The flood having a one percent (1%) chance of being equal or exceeded in any given year.

Berm: Mound of earth used for screening, definition of space, noise attenuation and decoration in landscaping.

Board of County Commissioners: Board of County Commissioners of Elbert County; the governing body the County.

Board or BOCC: The Elbert County Board of County Commissioners.

Borrow Site: An area used for the extraction of earthen materials such as sand, gravel or dirt which is outside the area of immediate development.

Buffer Zone: A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact or to provide for future public improvements or additional open space.

Building Envelope: The portion of a lot where building construction will be permitted, within applicable setback requirements, and where other restrictions may be required, due to hazardous areas (greater than 20% slopes and 100 year flood plains, etc.), protection of natural resources, such as trees, and protection of views, etc. May be delineated on a Final Plat.

Building Height: The vertical distance from the average finished grade to the highest point of the structure.

Building Permit: A document issued by the Elbert County Building Division giving permission for construction of a structure or other specified activity in accordance with the International Building Code, Zoning Regulations, and all applicable amendments and regulations.

Building: Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind (not including fences), has one (1) or more floors and a roof and is permanently affixed to the ground.

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Business or Commerce: Activities involving the provision of services, purchases, sales, or other transactions relating to the handling or disposition of any articles, substances, commodities or intangibles for profit or livelihood; the ownership or management of real estate; and the maintenance and use of offices by professions and trades rendering services.

C.R.S.: Colorado Revised Statutes.

Campground: A camping area operated for the general public, designed for camping and to accommodate, for remuneration, the temporary (not to exceed thirty (30) days in one (1) calendar year), parking or placement of camping and travel trailers, motor homes, truck campers, and tents used for human occupancy.

Caretaker's Residence: A dwelling unit accessory to a principal use in the Agriculture zone district designed and intended for occupancy by a person(s) owning, employed in or dealing with and responsible for the security and maintenance of the principal use.

Cash-in-Lieu of Open Space Dedication: A payment made to Elbert County prior to the recording of the Final Plat for subdivisions with a total land area of less than eighty (80) acres that satisfies and replaces the requirement to dedicate open space lands. It prevents the proliferation of small scattered unusable parcels that serve neither individual communities not the general public. Such funds collected may be, but are not limited to, use for acquisition or improvement of land or facilities within the County for the enjoyment of the general public or in relation to other County land improvement, preservation and/or maintenance projects, or other such legal purposes.

Central Sanitation: A centralized wastewater collection and treatment facility approved by Elbert County Building Department and Colorado State Health Department. Central sanitation facility may include at a minimum, secondary treatment of the wastewater and is subject to any waste discharge permits required by the State of Colorado. Collection and treatment facility may be wholly owned by a development entity, private corporation or special district

Central Water: A centralized water distribution facility which may be made up of one (1) or more wells or other sources of water. Distribution facility may be wholly owned by development entity, Private Corporation or special district

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

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Clinic, Dental or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom in-patient and over-night accommodations.

Collectors - Roads that are meant to carry large traffic volumes and that are interconnected and continuous within a community.

Commission or PC: Elbert County Planning Commission.

Condominium: A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Conservation Community: Developments which are characterized by large amounts of common open space and clustered, compact lots.

Construction: The actual placement and fastening of construction materials in a fixed position. If a basement is being excavated, such excavation shall be deemed to be actual construction. If demolition or removal of any existing building or structure has commenced preparatory to construction, such demolition or removal shall be deemed to be actual construction. The term "construction" shall apply to buildings, roadways, utilities, other structures and landscaping.

Continuance: An action taken by the Commission members which postpones the public hearing or meeting on the request until a date and time certain.

Contour Line: An imaginary line shown on a map that connects points of equal elevation on the surface of the land.

Convenience Store: A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.

Conventional Residential Development: Developments that are not Conservation Communities will be considered Conventional Residential Developments. These communities will typically have larger lots than Conservation Communities.

Corner Lot: A lot surrounded on at least two (2) sides by a public or private road or a vehicle right-of- way or a vehicle easement.

Critical Wildlife Habitat - Lands identified by the Colorado Division of Wildlife as essential for the wellbeing and health of wildlife. The Colorado Division of Wildlife will be consulted to further define critical wildlife habitat areas within the County.

Cul-de-Sac: A round turning area located at the end of a local road providing limited access to a minor number of residences and/or land uses.

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Dairy: A room, building or establishment where milk is kept and butter or cheese is made; the department of farming or of a farm that is concerned with the production of milk, butter and cheese; an establishment for the sale or distribution chiefly of milk and milk products.

Day Care Center: A service commercial facility in which care is provided for children or adults for periods of less than twenty-four (24) hours at a time.

Dedicated Land: Sites and land areas deeded to Elbert County which are necessary for public use to serve a proposed subdivision and its users.

Density: The number of specified units per units of area. The number of dwelling units per acre is a common example.

Detached Structure: Any structure having no party wall or common wall with another structure. Bridges, tunnels, and other similar means of connecting one (1) structure to another shall not be considered to constitute a party wall or a common wall.

Development Guide: A manual proposing variations from the lot size, bulk, type of use or activity, density, lot coverage, open space or other County Zoning Regulation standards within a Planned Unit Development zone. Once a PUD Development Guide is reviewed, approved and recorded by the County, the current and future owners and their assigns are required to develop their property in accordance with this guide.

Development Guide Agreement (DGA) – A recorded agreement between the County and the Developer of all standards for development specific to an individual Planned Unit Development project.

Development Plan: A map depicting land uses within a Planned Unit Development zone: Once a PUD plan is reviewed, approved and recorded by the County the current and future owners and their assigns are required to develop their property in accordance with this plan.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving excavation or drilling operations. For the purpose of this Regulation, development shall be defined as any alteration to land, buildings or structures which falls into the purview of this regulation.

Drive-in Facility: An establishment in which good or services are provided to customers outdoors in or near their cars.

Driveway: A private vehicular access abutting a street, for the exclusive use of the owners and occupants of the lot, lots or project and their invitees, not considered to be a street.

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Dwelling Unit, Multi-Family: A structure housing more than two (2) dwelling units with each dwelling unit containing the necessary kitchen, dining, living, sleeping and bath accommodations necessary for one (1) family unit; each unit having separate entrance.

Dwelling, Manufactured Home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a label that it is built in compliance with the "National Manufactured Housing Construction and Safety Standards Act of 1974" (42 USC 5401 et. seq. as amended). All manufactured homes shall be installed on a "property engineered" foundation.

Dwelling, Single Family: One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes.. This does not include a manufactured home as elsewhere defined.

Dwelling, Two Family: Kitchen, dining, living, sleeping and bath accommodations for two (2) families located in one (1) structure divided into two (2) separate areas and having separate outside entrances.

Easement: An acquired right of use, interest or privilege land owned by another.

Encroachment: An unauthorized placement of a building, part of a building, sign or fence upon the land or easement of another, or into required yards.

Exotic Animals: All species and sub-species of wild or tamed vertebrates and invertebrates, whether mammals, reptiles, birds or fish which are considered or defined as wild in their place of origin, except those normally and typically sold in retail pet stores in North America, except those which can be kept and cared for entirely within the main living area of a residence.

Facility: Confined area for the keeping and feeding of animals. A facility may include, but not be limited to: a fenced area, corral, barn and/or loafing shed where animals can be fed and housed.

Family: An individual or two (2) or more persons related by blood or marriage, or a group not exceeding five (5) persons (excluding servants) living together as a single housekeeping unit in one (1) structure on one (1) lot.

Farming: Land used to produce products that originate from the land's productivity.

Firing Range: A public or private facility designed and designated to provide training in the use of firearms, including organized trap ranges, skeet ranges, sporting clay ranges and similar activities using firearms or any combination thereof.

Floodplain, Designated: The area designated as a floodplain by official action of the Board of Elbert County Commissioners with the prior concurrence of the Colorado Water Conservation Board.

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Floodplain: An area in and adjacent to a stream, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use to constitute a significant hazard to public health and safety or to property.

Flood Damage Prevention Floodplain Management Definitions

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations their most reasonable application.

100-YEAR FLOOD - A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

100-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-YEAR FLOOD - A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance-annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

500-YEAR FLOODPLAIN - The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX- means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL- A request for a review of the Floodplain Administrator's interpretation of any provisions of this section or a request for a variance.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within Elbert County subject to a one percent (1%) or greater chance of flooding in any given year.

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BASE FLOOD - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, AI-A30, AR, AR/A, AR/AE, AR/AI-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

CHANNEL - The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

CHANNELIZATION - The artificial creation, enlargement or realignment of a stream channel.

CODE OF FEDERAL REGULATIONS (CFR) - The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

COMMUNITY· Any political subdivision in the state of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

CONDITIONAL LETTER OF MAP REVISION (CLOMR) · FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

CRITICAL FACILITY -A structure or related infrastructure, but not the land on which it is situated, as specified in Article V, Section F, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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DFIRM DATABASE - Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) - FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones Al-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones Al-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones Vl-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the Jots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL REGISTER - The official daily publication for Rules, proposed Rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.

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FEMA - Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

FLOOD CONTROL STRUCTURE - A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

FLOOD PROFILE-A graph or plot of the water surface elevation against distance along a channel, specifically for a level of flooding.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD PROTECTION ELEVATION- An elevation 1 foot above the elevation or "flood profile' of the 100-year flood under existing channel and floodplain conditions. It is 1 foot above the elevation of the flood within the flood boundary area.

FLOOD STAGE- The height or elevation of a flood as referred to some datum. It is commonly used to refer to the elevation at which a stream will overlap its normal banks.

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FLOOD STORAGE AREA- That portion of the regulatory area that may serve as a temporary storage area for flood waters from the 100-year flood and lies landward of the floodway.

FLOODPLAIN ADMINISTRATOR - The Elbert County designated representative.

FLOODPLAIN DEVELOPMENT PERMIT - A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and these floodplain management regulations.

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning regulations, subdivision regulations, building codes, health regulations, special purpose resolutions (such as a floodplain regulations, grading regulations and erosion control regulations) and other similar regulations. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD-PRONE AREA- means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN STORAGE CAPACITY- The volume of space in an area of floodplain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

FLOODWAY (REGULATORY FLOODWAY) - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FREEBOARD - The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of

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cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) by an approved state program as determined by the Secretary of the Interior or;

(b) directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as a closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LETTER OF MAP REVISION (LOMR) - FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both.

LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) - FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

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LOWEST FLOOR- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a label that it is built in compliance with the "National Manufactured Housing Construction and Safety Standards Act of 1974" (42 U.S.C. 5401 et seq. as amended). The term manufactured home does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home or mobile home lots for rent or sale.

MEAN SEA LEVEL - means, for the purpose of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced

MATERIAL SAFETY DATA SHEET (MSDS) -A form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) - FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a

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manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NO-RISE CERTIFICATION – A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No- Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step- backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

PHYSICAL MAP REVISION (PMR) - FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

RECREATIONAL VEHICLE - means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projections;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA- The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

START OF CONSTRUCTION - includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the

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first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

THRESHOLD PLANNING QUANTITY (TPQ) - A quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

VARIANCE (FLOOD) - is a grant of relief to a person from the requirement of these regulations when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full compliance see Section 60.6 of the National Flood Insurance Program regulations)

VIOLATION (FLOOD) - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) of the National Flood Insurance Program regulations, or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NAVD) 88 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Floor Area, Total: The total floor area shall include all area located within the outside walls of the building, exclusive of basement area, garage and porches.

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From Old SDP Document

Frontage: The distance between side lot lines measured along the front lot line.

Garage, Private: An accessory building or a part of a main building used for storage of the private vehicles or boats of the family(-ies) occupying the dwelling unit(s) to which the garage is accessory. Shall not include airplanes.

Garage, Public: Any garage other than a private garage available to the public for the storage of vehicles and boats where such vehicles are parked or stored for remuneration, hire or sale.

Geologic Hazard: A geological phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. This term includes, but is not limited to, landslide, rock fall, seismic effect, mud flow, radioactivity, ground subsidence and unstable or potentially unstable slopes.

Grade: Grade (ground level) is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet (5') of a sidewalk said ground level shall be measured at the sidewalk.

Group Home: State-licensed group homes for the exclusive use of developmentally disabled person; owner occupied or nonprofit group homes for the exclusive use of not more than eight (8) persons sixty (60) years of age or older, shall not be located within seven hundred fifty (750) feet of another such group home, unless otherwise provided for by the County, as described in CRS 1973, 30-28-115, as amended.

Guest Ranch: Any building or buildings for dwelling purposes where the primary purpose is to rent such unit for limited periods of time in connection with recreation or vacation facilities available on the premises. Such units shall not be rented or leased for permanent occupancy.

Hazardous Material: A chemical or substance which are physical hazards as defined in the current adopted building code and fire code and current Federal State Regulations including flammable liquids and/or gases. Does not include the tanks for domestic or agricultural use with a capacity under one-thousand (1,000) gallons.

Home Occupation: Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit or in any accessory building or space on the premises by residents of the dwelling unit and activity, if observed from outside said dwelling unit, is undistinguishable from day-to-day residential use. Home occupation shall not be interpreted to include the following: nursing home, animal hospital, restaurant, automobile garage and paint shop.

Homeowner's Association: An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense

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assessments from the members of the association, the control and maintenance of common areas and the enforcement of protective covenants.

Hospital: Any building or portion thereof used for the accommodation and medical care of the sick, injured or infirmed persons and including sanitariums.

Hotel or Motel: A building designed for occupancy as the more or less temporary abiding place of individuals who are with or without meals, in which there are six (6) or more guest rooms.

Household Pets: Small animals customarily permitted to be kept in dwellings for company or pleasure including, but not limited to: dogs, cats, Vietnamese pot belly pigs and common house birds, provided that such animals for any commercial purpose other than the offering for sale of one (1) litter, brood or offspring of a household pet domiciled on the premises, at any one time, that is less than four (4) months old.

Impervious Surface: Any surface that water runs across as opposed to soaking in, including, but not limited to, paved streets, paved driveways, treated surfaces, walkways, roof surfaces, and patios.

Institutional Facility: Facilities commonly associated with community space, such as government facilities, libraries, fire/law enforcement stations, churches, schools or any other similar use.

Junk: Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, appliances, or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.

Junkyard: Any establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard.

Kennel: Any commercial facility where any combination of dogs or cats or other household pets totaling four (4) or more animals, four (4) months of age or older are kept.

Landscape Materials: Any rock, sod, bark, mulch, tree, shrubbery, topsoil, fertilizer, earth material, or any other material associated with establishing permanent vegetation, erosion control, or finished grade changes.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers, or the installation of other materials such as rock, bark, retaining walls and irrigation systems.

Legal Description: A written metes and bounds description of the boundary of a parcel of real property by a Professional Land Surveyor (PLS), for the purpose of perpetuating location and

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title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record, and a full dimensional recital of the boundary courses in succession which shall be mathematically correct.

Livestock: Farm animals kept for use and profit.

Lot Coverage: That portion of the lot area covered by a building(s) including all overhanging roofs and parking areas.

Lot Line, Front: The lot line opposite and most distant from the front lot line except for corner lots, the rear lot line may be any lot line not fronting on a street. Triangular lots shall maintain a rear yard of not less than twenty-five feet (25') from the point of intersection of the side lot lines.

Lot Line, Side: Any lot line which is neither front nor rear.

Lot Width: The distance between side lot lines measured at the rear of the front yard.

Lot, Corner: A site bounded by two (2) or more adjacent street lines which have an angle of intersection of not more than one hundred seventy (170) degrees.

Lot, Double Frontage: A lot having frontage on two (2) nonintersecting streets as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot: A designated parcel of land established by a recorded subdivision plat, subdivision exemption plat, recorded deed or court order, which is recognized as a separate legal entity for purposes of transfer of title.

Manufactured Home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a label that it is built in compliance with the "National Manufactured Housing Construction and Safety Standards Act of 1974" (42 USC 5401 et. seq. as amended). All manufactured homes shall be installed on a "property engineered" foundation.

Membership Club: A club organized and operated primarily for social and recreational purposes.

Metes and Bounds: A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

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Mineral: An inanimate constituent of the earth, in either solid, liquid or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into useable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural or industrial purposes, nor does it include geothermal resources.

Miniature Horses: Miniature horse classified as under 38", which is the vertical distance from the base of the last hairs on the mane to the ground.

Mobile Home: A factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily moveable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without permanent foundation and built to that portion of the "Factory-Built Housing Construction Code of the State of Colorado" which applies to mobile homes. The phase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. As defined in CRS 1973, Title 24, Article 32, Part 7, as amended.

Non-Conforming Structure (including Permanent Signs): A structure legally existing and/or used at the time of adoption of this Regulation or any amendment thereto and which does not conform to the regulations of the District in which it is located.

Non-Conforming Use: A use legally existing and/or used at the time of adoption of this Regulation or any amendment thereto and which does not conform to the use regulations of the District in which it is located.

Nursery School: An establishment providing specialized curriculum and/or group care on a planned regular basis for more than four (4) children, unrelated by blood or adoption, away from their homes any part of the day.

Nursing Home: See "Group Home"

Occupied: The word "occupied" includes arranged, designed, built, altered, converted, rented, or leased, or intended to be occupied.

Office: A place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers (of stocks, bonds, real estate), building designers, persons licensed by the State to practice any of the healing arts; corporate offices, drafting services, financial institutions, including banks, savings and loan associations, insurance companies, credit unions and credit reporting agencies, development companies, engineers, surveyors and planners, insurance agencies and brokers, interior decorators and designers (no retail sales allowed on premises), laboratories, medical and dental, landscape architects, pharmacies,

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notaries public, public stenographers, typing and secretarial services and other similar businesses and professions.

Off-Street Parking: A site or portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

Open Space: A classification of land in Elbert County obtained by approval of application or designation by right that; (1) has been preserved and protected by severance of development rights to a third party through purchase, conservation easement, dedication and/or donation to a public agency or land trust; (2) upon application meets one or more of the purposes of open space set forth in the Elbert County land use regulations and will be preserved by future protects as approved in the application. Land that does not qualify as open space land; (1) whose development is otherwise restricted by zoning regulation (such as setbacks, septic fields) or committed to alternative use (such as access easements, covenanted uses); (2) open space, including green space easements not owned by a third party, such as a land trust or governmental entity, including a metro district, will be allowed by exception only; (3) wetlands which meet the requirements under either the Colorado Wetlands Program, the Colorado Water Quality Control Act (CRS 25-8-10 I; et seq.), or the Federal Clean Water Action (33 USC 1342), are also expressly identified here as qualifying open space even though such wetlands are subject to other restrictions (Elbert County Resolution Number 07-84, Definition of Open Space Land and Land That Does Not Qualify as Open Space Land).

Parcel: A tract or plot of land.

Parks: Areas of recreation, industrial, commercial, or business uses developed in accordance with a Site Development Plan.

Person: Any individual, firm, partnership, association, corporation, municipal corporation, and government, and the individual's or entity's heirs, successors, and assigns.

Pets: Small animals and fowl which are customarily kept in the home or on the premises and for the sole pleasure and enjoyment of the occupants.

Pharmacy: A place where medicines are compounded or dispensed and sold as well as other types of merchandise.

Pipelines: Any pipeline and appurtenant facilities designed for or capable of transporting natural gas or other petroleum derivatives of ten inches (10) diameter or larger which operates at a hoop stress of twenty percent (20%) or more at their specified minimum yield strength (approximately four hundred (400) PSIG or greater).

Planned Unit Development (PUD): Custom zoning for a particular property which encourages innovative approaches to land uses, creative design of land uses, energy conservation, efficient

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use of open space, preservation of environmental conditions and compatibility with overall County objectives.

Plat: A map and supporting materials of certain described land prepared in accordance with the Elbert County Subdivision Regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

Public Facilities: Facilities to provide for public uses, including, but not limited to, governmental offices, public utilities, fire stations, police stations, schools, libraries and public parks.

Public Hearing or Meeting: A public hearing or meeting that may include both public hearing items and/or public meeting items.

Recreation Vehicle and Boat Storage: An area of land and associated structures arranged, designed and intended to accommodate the temporary parking or storage of unoccupied recreation vehicles.

Recreation Vehicles: A motor home, travel or camping trailer, boat, van or truck camper, with or without self-motive power, designed for temporary human habitation.

Recreation, Commercial: A commercial use characterized by the provision of recreational facilities and services for remuneration, such as theaters, bowling alleys, tennis courts, recreation centers and similar uses.

Recreational Facility: Facilities for sports and recreational activities. These facilities may operate as profit or non-profit and may include organized events. Such facilities may include indoor or outdoor activities, motorized equipment, firearms, animals or any other similar use.

Residential Child Care Facility: A facility licensed by the State Department of Social Services to provide twenty-four (24) hour group care and treatment for five (5) or more children, five (5) through fifteen (15) years of age and/or approved to care for children sixteen (16) through twenty-one (21) years of age, operated under private or nonprofit sponsorship.

Residential Subdivision: A subdivision with platted lots that are of the Residential Context (R-1, R-2, and/or MH zoning) or Residential Agricultural Context (RA, RA-1, and/or RA-2 zoning).

Resort Cabins and Lodges: Buildings designed and used primarily for recreational purposes in open or mountainous terrain for housing individuals and families on a term occupancy basis.

Rezoning: For the purpose of these Regulations, a revision to the Elbert County Zoning Map.

Riding Stable and/or Academy: Any establishment which rents, boards or leases riding animals and gives lessons to develop horsemanship.

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Right-of-Way: An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians, and/or facilities or a public utility.

Road, Private: A privately owned access way generally not constructed to County specifications and not maintained by the County.

Road, Public: A dedicated right-of-way constructed to County specifications for a stated design classification. It includes engineered drainage, based on the hundred (100) year storm frequency, and all traffic control devices necessary for the safe movement of traffic. It is maintained by the County Road and Bridge Department.

Road: A public right-of-way which provides the principal means of access to abutting property.

Runway (Landing Strip): The area of the airport constructed and used for landing and taking off of aircraft.

Sanitary Landfill: An area where waste material is dumped, compacted each day into layers or cells and then covered with a layer of soil in depressions, such as canyons, ravines, old strip mines, sand and gravel pits, abandoned quarries, or carried out on a flat area, as required by state and local regulations.

Setback: The minimum required distance, measured at the shortest distance perpendicular from a lot line, waterway, street, or road, between the building and the lot line, waterway, street, or road.

Shopping Center: Three (3) or more attached or detached buildings for rent, lease, or sale used for business or commercial activities having common parking and open space.

Shooting Gallery, Private: An area intended for non-commercial firearms use on residential property in which firing line(s), firing lane(s), target line and backstop are designated and that is a minimum of 100 feet from the property lines.

Signs, Name Plates and Signboards: Any lettered, figured or pictorial matter displayed for advertising purposes whether placed on any natural object, upon any structure or upon any surface which would be visible from any public street, public highway or public road or right-of-way. This definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office, or posted by any officer in the performance of a public duty, nor shall it be held to include a real estate sign advertising for sale or rent the property upon which it stands.

Site Development Plan: The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with the requirements of the adopted County Regulations, to evaluate a project prior

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to issuance of a building permit for multifamily, business, commercial, industrial and planned development projects.

Site: Any lot, parcel of land, street, or public right-of-way, or contiguous combination thereof, where a permit for new development, redevelopment, land disturbing activity, or grading has been issued or where any such work is scheduled to be performed.

Solid Waste Disposal Site and Facility: Any site or facility which has received a Certificate of Designation pursuant to CRS. 30-20-102 and 103 which provides for the deposit and/or final treatment of solid wastes solely for the residents of both unincorporated and/or incorporated portions of Elbert County.

Solid Waste: Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid semi-solid, or contained gaseous material from community, commercial, and industrial sources that does not contain hazardous wastes as defined by CRS 25-15-101 (9) except in household quantities. Solid Waste shall not include any solid or dissolved materials in domestic sewage, agricultural wastes, solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under the provisions of the 11 Colorado Water Quality Control Act," Title 25, Article 8, CRS 1973 as amended; or materials handled at facilities licensed pursuant to the provisions of the "Radiation Control Act", Title 25, Article 11, CRS 1973, as amended.

Structure, Principal: A building in which is conducted the principal permitted use of the lot on which it is situated.

Structure, Temporary: A structure which is not a permanent structure or one which is constructed for a special purpose in contemplation of removal upon accomplishment of such. For the purposes of this Regulation, the term "temporary" shall mean a period of up to twelve (12) months.

Structure: Anything which is constructed or erected the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Subdivision Improvement Agreement - An agreement between the County and a developer to help ensure the installation of public improvements needed as a result of the development.

Subdivision Regulations: The Subdivision Regulations adopted by the Board of County Commissioners of Elbert County.

Subdivision: The division of a lot, tract or parcel of land into two (2) or more lots, sites or other divisions of land for the purposes, whether immediate or future, of sale of a building or development. It includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

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Substation: Any facility designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity which is intended as a component of transmission and distribution lines.

Swine: A pig, sow, hog or any omnivorous mammal with a bristly coat and an elongated, flexible snout.

Townhouse: An individual selling unit situated on one (1) lot, but attached to one (1) or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a town home unit may have an undivided interest in common areas and elements appurtenant to such units.

Tract: A designation applied to a parcel of land where such land serves as open space, drainage, landscaping, common area or as otherwise identified on a recorded subdivision plat.

Transmission Line: Any line beginning at a power plant or substation and terminating at a substation within or beyond the County and which has a voltage of 69 KV or greater.

Use: The purpose of which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied.

Utility Service Facilities, Minor: Any utility structures not included in the "Utility Service Facilities, Major" definition.

Utility Service Facility, Major: Any electric distribution lines, natural gas distribution lines, telegraph and telephone lines, neighborhood substations, gas regulator stations, gas meter stations, and communication stations.

Vested Property Right: [§24-68-102(5) C.R.S.] The right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

Veterinary Clinics And Hospitals: A structure where animals are brought for medical and/or surgical treatment and may be held during the time of treatment and recuperation.

Vision Clearance Triangle: No fence, wall, hedge, vegetation, or other obstruction over forty-two inches (42") in height shall be erected, placed or maintained within a twenty-five foot (25') (forty foot (40') for collectors and arterials) visual clearance triangle formed by the property line, immediately adjacent to a street, road, or non-residential driveway. The vision clearance triangle shall be shown on the Planned Unit Development graphic, referenced in the Development Guide, and shown on the recorded final plat.

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Warehouse: A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

Width of Lot: The distance between side lot lines measured along the front setback line.

Yard, Front: Required unobstructed open space extending from the front lot line into a lot over the full lot width, excepting driveways and walks.

Yard, Rear: Required unobstructed open space extending from the rear lot line into a lot over the full lot width, excepting driveways and walks.

Yard, Side: Required unobstructed open space extending from the side lot line into a lot over the full lot depth; provided, however, that exterior chimneys, soffits and overhangs may extend into the side yard a distance of up to thirty (30) inches. Said side yard shall be measured from the property line to the foundation or to the nearest point of projection of the structure.

Yard: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Regulation.

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APPENDIX B. CERTIFICATIONS AND ACKNOWLEDGEMENTS

The following information, and appropriate signatures, shall be provided at the stages indicated on the plans or exhibits submitted:

A. Rezone Exhibit

1. Complete legal description, tied to proper monumentation, and section or quarter-section line references or lot and block of an existing recorded subdivision.

2. Certification of ownership signed by property owner(s) and notarized (reference Appendix B. F., below).

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

Owner: _____ Date: _____
(signature)

_____
(name printed)

3. Elbert County Community & Development Services

This Rezone Exhibit was reviewed and approved by Elbert County Community & Development Services on the _____ day of _____, 20____.

_____
Director, Elbert County Community & Development Services

4. Planning Commission

This Rezone Exhibit was reviewed by the Elbert County Planning Commission on the _____ day of _____, 20____.

_____
Chair, Planning Commission

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5. Approval of County Commissioners

This Rezone Exhibit was reviewed and approved by the Elbert County Board of County Commissioners on the _____ day of _____, 20____.

_____
Chair, Board of County Commissioners

6. Clerk and Recorder's Certificate

State of Colorado)
) ss
County of Elbert)

I hereby certify that this Rezone Exhibit was filed in my office on this _____ day of _____ 20_____, A.D., at _____ a.m. /p.m., and was recorded per Reception Number _____ Book _____ Page _____.

_____
Elbert County Clerk and Recorder

B. Planned Unit Development Graphic Exhibit

1. Complete legal description, tied to proper monumentation, and section or quarter-section line references or lot and block of an existing recorded subdivision.

2. Certification of ownership signed by property owner(s) and notarized (reference Appendix B. F., below).

I(We), _____ as owner(s) of the land affected by this Planned Unit Development, accept and approve all conditions set forth herein.

Owner: _____ Date: _____
(signature)

_____
(name printed)

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3. Elbert County Community & Development Services

This Planned Unit Development was reviewed and approved by Elbert County Community & Development Services on the _____ day of _____, 20____.

_____
Director, Elbert County Community & Development Services

4. Planning Commission

This Planned Unit Development was reviewed by the Elbert County Planning Commission on the _____ day of _____, 20____.

_____
Chair, Planning Commission

5. Approval of County Commissioners

This Planned Unit Development was reviewed and approved by the Elbert County Board of County Commissioners on the _____ day of _____, 20____.

_____
Chair, Board of County Commissioners

6. Clerk and Recorder's Certificate

State of Colorado)
) ss
County of Elbert)

I hereby certify that this Planned Unit Development was filed in my office on this _____ day of _____ 20_____, A.D., at _____ a.m. /p.m., and was recorded per Reception Number _____ Book _____ Page _____.

_____
Elbert County Clerk and Recorder

C. Special Use by Review Exhibit

1. Complete legal description, tied to proper monumentation, and section or quarter-section line references or lot and block of an existing recorded subdivision.

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2. Certification of ownership signed by property owner(s) and notarized (reference Appendix B. F., below).

I(We), _____ as owner(s) of the land affected by this Special Use by Review, accept and approve all conditions set forth herein.

Owner: _____ Date: _____
(signature)

_____
(name printed)

3. Elbert County Community & Development Services

This Special Use by Review Exhibit was reviewed and approved by Elbert County Community & Development Services on the _____ day of _____, 20____.

_____
Director, Elbert County Community & Development Services

4. Planning Commission

This Special Use by Review Exhibit was reviewed by the Elbert County Planning Commission on the _____ day of _____, 20____.

_____

Chair, Planning Commission

5. Approval of County Commissioners

This Special Use by Review Exhibit was reviewed and approved by the Elbert County Board of County Commissioners on the _____ day of _____, 20____.

_____
Chair, Board of County Commissioners

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6. Clerk and Recorder's Certificate

State of Colorado)
) ss
County of Elbert)

I hereby certify that this Special Use by Review Exhibit was filed in my office on this _____ day of _____ 20_____, A.D., at _____ a.m. /p.m., and was recorded per Reception Number _____ Book _____ Page _____.

_____
Elbert County Clerk and Recorder

D. Minor Special Use by Review Exhibit

1. Complete legal description, tied to proper monumentation, and section or quarter-section line references or lot and block of an existing recorded subdivision.

2. Certification of ownership signed by property owner(s) and notarized (reference Appendix B. F., below).

I(We), _____ as owner(s) of the land affected by this Minor Special Use by Review, accept and approve all conditions set forth herein.

Owner: _____ Date: _____
(signature)

_____
(name printed)

3. Elbert County Community & Development Services

This Minor Special Use by Review Exhibit was reviewed and approved by Elbert County Community & Development Services on the _____ day of _____, 20____.

_____
Director, Elbert County Community
& Development Services

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4. Acceptance of County Commissioners

This Special Use by Review Exhibit was accepted by the Elbert County Board of County Commissioners on the _____ day of _____, 20____.

_____
Chair, Board of County Commissioners

5. Clerk and Recorder's Certificate

State of Colorado)
) ss
County of Elbert)

I hereby certify that this Minor Special Use by Review Exhibit was filed in my office on this _____ day of _____ 20_____, A.D., at _____ a.m. /p.m., and was recorded per Reception Number _____ Book _____ Page _____.

_____
Elbert County Clerk and Recorder

E. Site Development Plan Exhibit

1. Complete legal description, tied to proper monumentation, and section or quarter-section line references or lot and block of an existing recorded subdivision.

2. Certification of ownership signed by property owner(s) and notarized (reference Appendix B. F., below).

I(We), _____ as owner(s) of the land affected by this Site Development Plan, accept and approve all conditions set forth herein.

Owner: _____ Date: _____
(signature)

_____
(name printed)

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3. Elbert County Community & Development Services

This Site Development Plan was reviewed and approved by Elbert County Community & Development Services on the _____ day of _____, 20____.

_____
Director, Elbert County Community & Development Services

4. Elbert County Public Works

This Site Development Plan was reviewed and approved by Elbert County Public Works on the _____ day of _____, 20____.

_____

Director, Elbert County Public Works

5. Fire Protection District

This Site Development Plan was reviewed and approved by _____ Fire Protection District on the _____ day of _____, 20____.

_____

Fire Marshal, _____
Fire Protection District

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6. Clerk and Recorder's Certificate

State of Colorado)
) ss
County of Elbert)

I hereby certify that this Site Development Plan was filed in my office on this _____ day of _____ 20_____, A.D., at _____ a.m. /p.m., and was recorded per Reception Number _____ Book _____ Page _____.

_____
Elbert County Clerk and Recorder

7. Elbert County Engineering Statement

All work shall be constructed to the county of Elbert County Construction Standards and Specifications. This Site Development Plan has been reviewed and found to be in general compliance with these constructions standards and specifications and other Elbert County requirements. The engineering design and concept remains the responsibility of the professional engineer whose stamp and signature appear hereon.

Project Engineer: _____ STAMP

Date: _____

F. Owner Signatures

1. All individuals shall sign their name as shown on the deed of ownership or the deed of trust, etc. and any and all required officers of any corporation, partnership, general partnership, limited liability company, or joint venture, as the case may be, shall sign their name as required.

2. The certificate shall be notarized as follows:

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State of _____)
) ss
County of _____)

The foregoing certificate was acknowledged before me this _____ day of _____ 20 ____, by (name of individual or authorized person [see below]).

WITNESS my hand and official seal.

SEAL

_____
NOTARY PUBLIC

My Commission expires: _____

- Officers signing for a Corporation shall be acknowledged as follows:
  (name-printed), as President (or Vice-President) of (name of corporation), a (name of state) corporation.

- Partners signing for a general partnership shall be acknowledged as follows (note that all partners must sign plat unless the partnership agreement authorizes otherwise):
  (name-printed), as partner and (name-printed), as partner of (name of partnership), a (name of state) partnership.

- General partners signing for a limited partnership shall be acknowledged as follows (note that all general partners must sign the plat unless the limited partnership agreement authorizes otherwise):
  (name-printed), as general partner and (name-printed), as general partner of (name of general partnership), a (name of state) general partnership.

- Members signing for a limited liability company shall be acknowledged as follows (note that all members or managers must sign the plat unless the operating agreement or other signature authority document and recorded statement of authority authorizes otherwise):
  (name-printed), as a member and (name-printed), as a member of (name of limited liability company), a (name of state) limited liability company, OR

  (name-printed), as manager of (name of limited liability company), a (name of state) limited liability company

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- Joint venturers signing for a joint venture shall be acknowledged as follows (note that all joint venturers must sign the plat unless the document that established the joint venture authorizes otherwise): (name-printed), as a joint venturer and (name-printed), as a joint venturer of (name of joint venture), a (name of state) joint venture.

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