



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Board of Trustees

FROM: Zach Higgins, AICP Community Development Director
Alexandra Cramer, Planner/Project Manager

DATE: November 21st, 2024

SUBJECT: Ordinance 24-14

SUMMARY

Approval of Ordinance 24-14 would amend Section 16-9-30 of Chapter 16 of the Town of Elizabeth Municipal Code, regarding Uses by Special Review, to create an exception to the five-year time limitation for uses by special review when the use includes a residential component.

Background:

Uses by Special Review are intended for activities that may impact surrounding properties and require additional oversight beyond standard zoning requirements, generally for uses that are more intense than the normal allowance. The current code's five-year review requirement allows the Town to periodically evaluate these uses to ensure ongoing compatibility with neighboring properties. While this review process is appropriate for commercial or industrial special uses that could affect surrounding areas over time, residential developments represent permanent community investments that could warrant a different approach. The proposed amendment would exempt uses with residential components from the five-year time limitation while maintaining the Town's ability to address any compliance issues through standard enforcement mechanisms. Importantly, this amendment does not change the initial public hearing approval process for residential uses by special review - these uses will still require Board approval following standard public notice and hearing procedures. The amendment only eliminates the requirement for periodic reviews after the initial approval.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 24-14, an Ordinance amending Chapter 16, Section 16-9-30 of the Elizabeth Municipal Code.

ATTACHMENT(S)

Ordinance 24-14

Section 16-9-30 (Current Code Language)

ORDINANCE 24-14

AN ORDINANCE REPEALING AND REENACTING SECTION 16-9-30 OF THE TOWN OF ELIZABETH MUNICIPAL CODE REGARDING USE BY SPECIAL REVIEW APPROVALS

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. Section 16-9-30 of the Elizabeth Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 16-9-30. Limitations.

Uses by special review shall be permitted for a duration of time specified by the Board of Trustees at the Board of Trustees' discretion for no longer than five (5) years, depending on the nature and the intensity of the use, or until the land use changes, whichever first occurs, and the Town may review such approval every (5) five years in order to ensure compliance with the criteria set forth in Section 16-9-20, and any other conditions of approval. **Provided however, the time limitation set forth herein shall not apply to a use by special review approval for any use that includes a residential component.**

Section 2. Severability. If any section, paragraph clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2024.

Passed by a vote of _____ for and _____ against and ordered published.

Tammy Payne, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

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