



## TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** Board of Trustees

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

**DATE:** July 9<sup>th</sup>, 2024

**SUBJECT:** Ordinance 24-07

### SUMMARY

Approval of Ordinance 24-07 would amend various sections of Chapter 16 of the Town of Elizabeth Municipal Code, updating several aspects of the Land Use and Development Code. The ordinance would:

- Amend Table 16-5 to allow single-family attached dwellings, duplex structures, and multi-family dwellings in the CMU District.
- Permit business schools, studios, and vocational schools (not involving heavy industrial processes) in the CMU and DT Districts with a Special Use Review.
- Amend Table 16-6 to remove the "Under roof" maximum lot/space coverage requirement for the DT District.
- Section 16-1-60(f) would be added to establish a maximum density of 18 dwelling units per gross acre in the CMU District.
- Amend Section 16-3-30(h)(3) which changes the notification method for road name changes from certified mail to regular first-class mail when addresses have been assigned. It also requires the applicant to provide an affidavit listing the notified addresses, while maintaining the existing requirements for public hearings and Board of Trustees approval.
- Amend Section 16-4-30, regarding the public notice procedure, to reflect the Town Hall address change to 151 S. Banner Street. Property owner notifications would change from certified mail to regular first-class mail, with an affidavit from the applicant listing notified addresses and property owners. The need for return receipts would be eliminated.
- Amend Section 16-9-30, regarding Uses by Special Review, which would create a new time limitation on approvals, not to exceed five years. This section would allow the Town to review Use by Special Review approvals every five years for compliance with criteria and conditions, linking the duration of approval to either the specified time or until the land use changes, whichever occurs first.

## **Background:**

The proposed amendments to the Commercial Mixed Use (CMU) District stem from an assessment of the current uses allowed within the zone in comparison to the Elizabeth Municipal Code's definition of CMU. The changes would incorporate a wider range of uses, including residential components as uses by right. To accompany this expansion of allowed uses, a density requirement for the CMU District has been proposed to provide clear guidelines for potential development.

The ordinance also introduces business schools, studios, and vocational schools as uses by special review in both the CMU and Downtown (DT) Districts. By allowing these educational and training facilities through a special review process, the town can evaluate each proposal on a case-by-case basis to ensure compatibility with surrounding uses. This change provides opportunities for a broader range of services and educational options within the CMU and DT Districts, while maintaining oversight through the special review process.

Modifications to the Downtown (DT) District dimensional standards were intended to provide more freedoms to property owners to provide creative solutions to building in a unique environment in the Town. The removal of the "under roof" coverage specification allows for alternative approaches to development while maintaining all other regulatory factors such as setbacks, height requirements, minimum vegetative area, and maintaining historic flows or runoffs.

Additional changes proposed in the amendment address various administrative processes. These modifications are designed to streamline procedures related to notifications, road name changes, and Uses by Special Review.

This ordinance represents a culmination of numerous workshops with the Planning Commission, Board of Trustees, and recommendations from consultants and Town partners regarding review of the Town's Land Use and Development Code. The proposed changes aim to update the code based on current practices and administrative needs identified by Staff, the Planning Commission and the Board of Trustees.

## **STAFF RECOMMENDATION**

Staff recommends approval of Ordinance 24-07, an Ordinance amending Chapter 16, Table 16-5, Table 16-6, Section 16-3-30, Section 16-4-30, Section 16-9-30, and Section 16-1-60 of the Elizabeth Municipal Code.

## **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission unanimously provided recommendation for approval of Ordinance 24-07 at their July 2<sup>nd</sup> meeting.

## **ATTACHMENT(S)**

Ordinance 24-07

Table 16-5 (Current Code Language)

Table 16-6 (Current Code Language)

Section 16-3-30 (Current Code Language)

Section 16-4-30 (Current Code Language)

Section 16-9-30 (Current Code Language)

Section 16-1-60 (Current Code Language)

**ORDINANCE 24-07**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 16 OF THE TOWN OF ELIZABETH MUNICIPAL CODE UPDATING THE TOWN'S LAND USE AND DEVELOPMENT CODE**

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

Section 1. Table 16-5 of the Elizabeth Municipal Code entitled "Public-Institution/Regional Commercial/Commercial/Mixed Use/Downtown Use Matrix" is amended as follows:

- A. "Single-family attached dwellings," "duplex structures" and "multi-family dwellings" are hereby amended to reflect that such uses are allowed (A) in the CMU District; and
- B. "Business schools, studios and vocational schools, not involving processes of a heavy industrial nature" are hereby amended to reflect that such uses are allowed upon the issuance of a Use by Special Review permit (S) in the CMU and the DT Districts.

Section 2. Table 16-6 of the Elizabeth Municipal Code entitled "Public-Institution/Regional Commercial/Commercial/Mixed Use/Downtown Dimensional Standards" is amended as follows:

- A. Maximum lot/space coverage for the DT District entitled "Under roof" is hereby deleted.

Section 3. Section 16-1-160 of the Elizabeth Municipal Code is hereby amended by the addition thereto of a new subsection (f) to read as follows:

- (f) Maximum density. The maximum density in the CMU District is eighteen (18) dwelling units per gross acre.

Section 4. Section 16-3-30, subsection (h)(3) of the Elizabeth Municipal Code is hereby amended to read as follows:

- (3) When the request is for a road name change, the following shall apply:
  - a. Where no addresses have been assigned, the request shall be heard at a public meeting before the Board of Trustees and an ordinance shall be adopted officially changing the name of the street. When addresses have been assigned, the applicant shall notify all affected individuals by ~~certified mail~~ **regular first class mail, accompanied by an affidavit from the applicant listing the addresses for which such notice was provided**, and the request shall be heard at a public hearing before the Board of Trustees. The Board of Trustees shall adopt an ordinance officially changing the name of the street.

b. A road name shall not duplicate any existing road name in the County.

Section 5. Section 16-4-30, subsections (b) and (c) of the Elizabeth Municipal Code are hereby amended to read as follows:

(b) At least fifteen (15) days prior to a public hearing, a notice shall be published at least one (1) time in the legal notice section of a general circulation newspaper within the Town. A publisher's affidavit shall be submitted to the Community Development Department prior to the hearing date to verify the publication of the required notice. The notice shall read as follows:

#### NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the (Name of Board: Board of Trustees or Planning Commission) shall hold public hearings concerning (type of application request), located on property described in Exhibit A and generally located at (distance and direction of nearest major intersections), pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the (Name of Board) on (date), (year), at (time a.m./p.m.), or as soon as possible thereafter. The public hearing shall be held in the Town Hall, ~~321~~ **151** S. Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at (303) 646-4166.

ALL INTERESTED PERSONS MAY ATTEND.

EXHIBIT A (legal description)

(c) At least fifteen (15) days prior to a public hearing, a written notice shall be sent ~~by certified mail~~ **regular first class mail, accompanied by an affidavit from the applicant listing the addresses and property owners for which such notice was provided in accordance with Section 16-4-20(g)**, to all owners of property within five hundred (500) feet of the site for which the land use application is made. ~~Return receipts~~ **All such information** shall be submitted ~~with a list of all area property owners~~ to the Planning Office prior to the hearing date. The written notice shall contain the following information:

(1) The entire notice of public hearings outlined in Subsection (b) above, including the legal description; and

(2) A narrative outlining the proposed land use application before the Planning Commission and the Board of Trustees.

Section 6. 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.

Section 7. 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 8. 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 9. 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

Sec. 16-1-140. - Public, Semi-Public and Institutional (P-I) District.

- (a) Purpose. The P-I District is to provide a zoning designation for uses that are publicly owned or public in nature and do not generally pay property taxes.
- (b) Allowed uses. See Use Matrix - Table 16-5 below.
- (c) Dimensional standards. The Dimensional Standards within the P-I District shall be determined on a case-by-case basis.
- (d) Use by special review. See the Use Matrix - Table 16-5 of this Article.

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Read across the chart until either "A" or "S" appears in one (1) of the columns. If "A" appears, the use is an allowed use; if "S" appears, the use is only allowed upon the issuance of a Use by Special Review permit. If left blank, the use is not allowed in that zone.

**Table 16-5**  
**Public-Institution/Regional Commercial/Commercial**  
**Mixed Use/Industrial/Downtown Use Matrix**

<i>Land Use/Activity</i> (1)(2)(3)(4)(5)(9)(10)(11)	<i>Public-Institutional/Regional Commercial/Commercial Mixed Use/Industrial/Downtown Zoning Districts</i>				
	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I<sup>(6)</sup></i>	<i>DT</i>
Single-family detached dwellings		S	S		
Single-family attached dwellings			S		A
Duplex structures			S		
Accessory dwelling units (ADUs)		S	S		S
Townhouses					S
Multi-family dwellings			S		S
Accessory buildings	A	A	A	A	A

Home occupations			A		A
Accessory uses			A		A
Amphitheater			A		A
Amusement and recreation establishments and areas		A	A	S	S
Assisted living services			S		
Athletic fields	A				
Auto repair garages		A		A	
Automotive wrecking and graveyards, salvage yards and junkyards				S	
Bakeries		A	A		A
Bed and breakfast inns		A	A		A
Beer, wine and liquor stores (off-premises of alcohol consumption)		A	S		S
Boarding and rooming houses			A		A
Business schools, studios and vocational schools, not involving processes of a heavy industrial nature		A		A	
Business service establishments		A	A	A	A
Car lots - new and used		A			
Car service and sales establishments		A		A	



Car washes		A			
Car/vehicle rental or leasing		A		A	
Cemeteries or mausoleums	A			A	
Clubs and lodges		A	A		A
Commercial animal establishments		A	S		
Commercial food preparation kitchens		A	A		A
Computer design-generated CAD-CAM operations not involving heavy industry		A	A	A	A
Computer-generated CAD and similar nonoffensive "light" industrial uses				A	
Construction-related businesses		S		A	
Convenience stores or centers		A	A		A
Distribution centers				A	
Dormitories			S		
Drive-in restaurants		A			
Eating and drinking establishments		A	A		A
Exhibition and art galleries		A	A		A
Facilities for assembly, manufacturing, compounding, processing or treatment of products				A	
Farmers markets or other open markets		A	A		A

Fences, hedges, walls and trees <sup>(4)</sup>	A	A	A	A	A
Financial institutions		A	A		A
Fitness, recreational sports, gym or athletic club		A	S	A	S
Food and beverage processing				A	
Fraternity and sorority houses			S		
Garden/flower shops		A	A		A
Golf courses					
Hospitals and emergency facilities	A	A			
Hospitals for animals		A	A		
Hotels and motels		A			
Kennels and other canine-related facilities - commercial <sup>(7)</sup>		S	S	S	
Kennels and other canine-related facilities - private <sup>(7)</sup>			S		
Laboratories or specialized industrial facilities				A	
Mill-type factories				A	
Miniature golf establishments			A	A	S
Mobile home parks					
Mobile home subdivisions					
Mortuaries/funeral homes		A	S	A	

Movie theaters		A	A		S
Museums, exhibitions or similar facilities	S	A	A		A
Nursery schools and day care centers		S	S		
Parking lots and parking garages	A	A	A	A	A
Parks	A	A	A	A	A
Pawn shops <sup>(8)</sup>		A		A	
Performance theaters			A		A
Personal service establishments		A	A		A
Plant or tree nurseries		A		A	
Playgrounds	A				
Private campgrounds					
Professional, commercial or business offices		A	A	A	A
Public buildings and lands	A	A	A	A	A
Public safety-related facilities	A	A	A	A	A
Public transportation terminals other than truck terminals	A	A	A	A	A
Public utilities	A	A	A	A	A
Recreation centers - nonprofit neighborhood	S		S		
Recreation facilities - private		A	A	A	

Recreational facilities - public	A	A	A	A	A
Religious assembly, place of	A	A	A	A	A
Research and development services				A	
Restaurants and lounges		A	A		A
Retail stores, sales and display rooms and shops		A	A		A
Retirement/group housing services			S		
Schools - private		A	A	A	
Schools - public	A	A	A	A	
Service stations		A		A	
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning)				A	
Sexually oriented businesses <sup>(9)</sup>		A			
Signs	A	A	A	A	A
Storage facilities, RVs, campers, trailers, large vehicles				S	
Tattoo parlors		A			
Trailer sales and service		A			
Universities, colleges, technical institutions - satellite locations			A		S
Warehouse and storage facilities				A	

Warehouse discount stores/superstores		A			
Wholesaling, exclusive of manufacturing		A			

- (e) General provisions. The following shall apply to the applicable designated uses in Table 16-5 above:
- (1) For all such uses, building setbacks from all property lines are shown in Table 16-6 of this Section.
  - (2) Uses by special review: refer to Article IX of this Chapter.
  - (3) For all zoning districts, minimum off-street parking: refer to Article VI of this Chapter.
  - (4) Town services required.
  - (5) Fences, hedges and walls: Fences, hedges and walls shall be permitted in all districts and do not have to comply with the minimum setbacks of the zoning district in which they are located if the following regulations are complied with:
    - a. Fences, hedges and walls shall not exceed thirty (30) inches in height in corner lots, consistent with Section 16-1-200 of this Article.
    - b. Fences, hedges and walls in residential areas shall not exceed six (6) feet in height and shall not exceed four (4) feet in height when located in required front yards.
  - (6) Development standards in accordance with Section 16-1-170 of this Article.
  - (7) In accordance with Section 16-1-20 of this Article.
  - (8) Outside storage must be screened in accordance with Subparagraph 16-2-50(b)(2)d of this Chapter.
  - (9) In accordance with Chapter 6, Article IV of this Code and Subsection 16-1-150(f) of this Article.
  - (10) Any and all construction within this District shall be in accordance with an approved site development plan as is more specifically described in Article II of this Chapter.
  - (11) Minimum unloading area: For buildings in excess of three thousand (3,000) square feet in area, an unloading area of at least twelve (12) feet by thirty (30) feet shall be provided on the lot adjacent to the alley. However, this requirement can be waived if a portion of the off-street parking area is designed to function in a safe and attractive manner as the unloading area. The area used for unloading shall not be used to meet the off-street parking requirements.

**Table 16-6**  
**Public-Institutional/Regional Commercial/Commercial**  
**Mixed Use/Industrial/Downtown Dimensional Standards**

<i>District Standard</i>	<i>P-I</i>	<i>RC</i>	<i>CMU</i>	<i>L-I</i>	<i>DT</i>
Minimum lot/space size (square feet)		2,500	2,500	6,000	800
Maximum lot/space coverage:					
1) Under roof		50%	50%	50%	70%
2) Minimum vegetative area		10%	10%	10%	5%
Minimum width of lot/space (measured in feet; 25 feet back from the front property line)		50	50	50	32
Minimum yard setbacks (in feet):					
1) Front - public right-of-way		25	25	25	0
2) Front - private right-of-way		10	15	15	0
3) Rear - principal building		5	5	20	5
4) Rear - accessory building		5	5	20	2
5) Interior side		5	5	10	0
6) Street side - public right-of-way		10	10	12	5
7) Street side - private right-of-way		5	5	12	5
8) Side - accessory building		5	5	5	2
Principal building maximum height (in feet)		35	30	30	30
Accessory building maximum height (in feet)		30	30	30	25

(Ord. 12-02 §1; Ord. 17-05, §1, 3-28-2017; Ord. 17-14, §1, 12-12-2017)

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Sec. 16-1-160. - Commercial Mixed Use (CMU) District.

- (a) Purpose. The purpose of the CMU (Commercial Mixed Use) District is to permit a mix of commercial and residential uses with easy access to a major arterial and/or a major collector street. The CMU District is to accommodate a mix of nonresidential and residential uses including small-scale retail, professional offices, live/work developments, professional services, higher density residential developments and commercial accommodations that encourage pedestrian activity. The CMU District is to provide a transition between a limited group of uses of a commercial nature and lower density residential areas.
- (b) Allowed uses. See the Use Matrix - Table 16-5 of this Article.
- (c) Dimensional standards. The Dimensional Standards within the CMU District are outlined in Table 16-6 of this Article.
- (d) Use by special review. See the Use Matrix - Table 16-5.
- (e) General provisions. The requirements as outlined in Subsection 16-1-140(e) above are applicable to the designated uses in Table 16-5.

(Ord. 12-02 §1)

Sec. 16-3-30. - General requirements.

- (a) Description of the subdivision process.
  - (1) The five (5) steps required to obtain approval of a subdivision are:
    - a. Pre-application meeting: the applicant and the Community Development Director shall have a pre-application meeting prior to application submittal for all subdivision applications except for amended plats and minor development final plats. The Community Development Director shall outline any major areas of concern, explain any applications required, and outline the process timeline at the meeting. The Community Development Director may waive the pre-application meeting requirement upon the applicant demonstrating that the proposed subdivision will not result in any significant impacts;
    - b. Neighborhood meeting: the applicant shall host a neighborhood meeting prior to application submittal for all subdivision applications except for amended plats and minor development final plats. The Community Development Director shall notify properties within a 500-foot radius of the property by sending mailed notice at least 15 calendar days prior to the meeting. At the meeting, the Applicant shall present the proposed development and receive feedback from neighbors. A written summary of the neighborhood meeting shall be prepared by the Community Development Director and included in the staff report to the applicable decision-making body. The Community

Development Director may waive the neighborhood meeting requirement upon the applicant demonstrating that the proposed subdivision will not result in any significant impacts;

- c. Sketch plan: the review of the feasibility of the project, including conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, locations of parks, schools and open space, source of required services, vehicular and pedestrian circulation and general conformance with the principles of the Town Master Plan and zoning requirements;
  - d. Preliminary plan: a review of preliminary technical engineering; and
  - e. Final plat: a review of all final engineering and construction plans, execution of subdivision agreements, provision of a letter of credit or cash to secure the construction of the public improvements described in the subdivision agreement and other legal requirements.
- (2) Each step is a distinct process involving the submittal of an application, an application fee, required plans and reports, referrals of the proposal to other agencies, and public hearings/meetings, except the pre-application meeting and neighborhood meeting. At each step of the process, the level of design and engineering increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and, therefore, a revision of expensive engineering or planning reports. Approval at any step in the process does not ensure approval at the next step.
  - (3) The sketch plan shall be reviewed by the Planning Commission and reviewed and approved by the Board of Trustees at a public hearing prior to submittal of the preliminary plan. The preliminary plan and final plat processes may be combined upon the approval of the Board of Trustees based upon, but not limited to, the following factors: design, size, public concern, public facilities, services, access and transportation network.
  - (4) If the proposed plan or plat is denied by the Board of Trustees, a new subdivision application for the same or substantially the same request, as determined by the Board of Trustees, shall not be accepted with one (1) year of such denial.
- (b) Applicant's responsibility. The applicant or representative is responsible for understanding the requirements and procedures contained in this Chapter, the Town Master Plan and applicable zoning regulations, and is responsible for attending all Planning Commission and Board of Trustees hearings and meetings at which the request is considered. Failure to attend the hearings and meetings may result in the request being denied or tabled and a new hearing or meeting date scheduled. The applicant is responsible for submitting the information requested by the Town, for the review of the proposal, and for posting or publishing all public notices as required.
  - (c) Review fees. The applicant shall be responsible for payment of reasonable review fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters that may be charged to applicants for relief sought under this Chapter. The amount of the fees



charged shall be established by resolution of the Board of Trustees filed in the office of the Town Clerk. Payment of the fees shall be as follows:

- (1) The Town will bill applicants for any and all costs of professional and consulting services which the Town incurs as a result of an applicant or his or her project. Professional or consulting services include, but are not limited to, legal, engineering or hydrological services.
- (2) Fees established in accordance with this Subsection (c) shall be paid upon submission of a completed land use application or notice of appeal. All applications for which there is a fee shall be accompanied by the appropriate fee. Applications which are not accompanied by the appropriate fee shall be considered incomplete and shall not be processed nor shall any permit be issued until the appropriate fee accompanies the application. The applicant shall pay to the Town the actual cost to the Town for engineering, planning, surveying, inspection and legal services rendered in connection with the review of the proposed development application, plus fifteen percent (15%) to cover administrative costs.
- (3) The Town will send the applicant a statement for the actual and administrative costs incurred by the Town for the services rendered by the Town. The applicant shall pay the amount due on the statement within fifteen (15) days of the date of issuance of such statement. In the event the applicant fails to pay the amount due on the statement within the time period specified above, the Town shall immediately stop the review process for the proposed development. The application will be deemed withdrawn if the statement is not paid in full within thirty (30) days of the date of issuance of the statement.
- (4) If the statement is not paid in full within thirty (30) days after issuance of the statement, in addition to the application being withdrawn, the Town shall impose interest on the amount due and outstanding at the rate of one and one-half percent (1.5%) per month from the date when due.
- (5) In addition to the Town's remedies to stop the review process upon nonpayment of such statement, and to impose penalty interest, the Town shall additionally possess the right to initiate an enforcement action against the applicant for nonpayment of such fees. Such enforcement action may be initiated either in the County Court or in the Municipal Court. In the event such collection action is determined in favor of the Town, the Town shall be awarded its attorneys' fees and court costs in addition to the unpaid fees as part of any judgment.
- (6) The payment of fees of the costs of professional and consulting services under this Section shall be due and payable as set forth within this Section, regardless of whether the project is completed or approved, and/or regardless of whether the owner or applicant chooses to complete the Town's land review process.

(d)

Withdrawal of application. The applicant may withdraw an application at any phase of the process upon submittal of a written request to the Town. Application fees will be refunded only when the withdrawal request is submitted prior to the mailing of the referral packets.

(e) Expiration of approvals. The approval of any subdivision request shall be subject to the following restrictions and shall apply to all sketch plans, preliminary plans, final plats, amended plats or minor development final plats approved prior to the effective date the initial ordinance codified in this Article:

- (1) The sketch plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval. The Board of Trustees may grant an extension of time of no more than one (1) year, upon a written request by the applicant prior to the expiration of the one-year period.
- (2) The preliminary plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval. The Board of Trustees may grant an extension of time, of no more than one (1) year, upon a written request by the applicant prior to the one-year period. However, when a part of the approved preliminary plan is final platted, the remaining area of the preliminary plan shall be effective for the one-year period or as otherwise extended by the Board of Trustees.
- (3) Within ninety (90) days of approval of the final plat, the applicant shall submit the approved final plat and all required documentation to the Town for recordation or the approval shall be null and void, unless stated otherwise in such approval. Within thirty (30) days of receipt of the final plat, the Town shall obtain the signatures required of Town representatives on the plat along with the required subdivision agreement and security for public improvements, and record the final plat. The Board of Trustees may grant no more than one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant for good cause being shown.
- (4) An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes in the Town Master Plan or this Chapter that have occurred since approval of the plan or plat as these changes affect the plan or plat and the anticipated time schedule for completing the platting process. Additional review of the plan or plat may occur resulting in additional conditions, as applicable.
- (5) Denial of the extension of time by the Board of Trustees shall void the sketch plan, preliminary plan, final plat, minor development, exemption, replat or vacation plat and result in the necessity for the resubmittal of a new application, fees and all required documentation.
- (6)

Any final plat, replat, amended plat or minor development plat approved prior to the adoption of the ordinance codified herein which has not been recorded, along with all the required documentation, shall be submitted to the Town for recordation within six (6) months of the adoption of the ordinance codified herein. A reasonable effort must be made by the Town to notify the subdivider of this requirement.

- (f) Inactive files. Files that become inactive, whereby the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than six (6) months, shall become void, and the resubmittal of a new application and fees shall be required to pursue the subdivision request. The Board of Trustees may grant no more than two (2) extensions of time, of no more than three (3) months each, upon a written request by the applicant. After five (5) months, the Town shall notify the applicant in writing that the application will become void within thirty (30) days. After thirty (30) days, provided that the applicant has not submitted the required additional information or requested a hearing date, the Town shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the Town upon the effective date of adoption and any application thereafter.
- (g) Inactive subdivisions. Any subdivision which has received approval by the Board of Trustees for a period of time in excess of three (3) years prior to the date of adoption of the initial ordinance codified herein and for which no public improvements have been constructed or secured, shall be required to submit an amended plat which complies with the requirements of this Chapter in effect at the time of the amendment, and the required subdivision agreement. No building permits shall be issued until the plat amendment and new subdivision agreement have been approved by the Board of Trustees.
- (h) Plat corrections. Due to errors or omissions, changes may be made to recorded plats according to the following procedure:
  - (1) An ordinance shall be prepared which identifies the error or omission, the specific plat to be corrected, the reception number of the plat and the necessary corrective action, and said action must be approved by the Town Attorney.
  - (2) The ordinance shall be presented to the Board of Trustees at a public meeting ready for recordation. The ordinance shall be recorded, upon obtaining the signature of the Mayor.
  - (3) When the request is for a road name change, the following shall apply:
    - a. Where no addresses have been assigned, the request shall be heard at a public meeting before the Board of Trustees and an ordinance shall be adopted officially changing the name of the street. When addresses have been assigned, the applicant shall notify all affected individuals by certified mail and the request shall be heard at a public hearing before the Board of Trustees. The Board of Trustees shall adopt an ordinance officially changing the name of the street.
    - b. A road name shall not duplicate any existing road name in the County.

(Ord. 01-20; Ord. 08-06 §2)

(Ord. No. 23-02, § 2, 1-24-2023)

Sec. 16-4-30. - Public notice procedures.

- (a) The following applications shall be subject to the public notice procedures outlined herein:
- (1) Rezoning (amendments to the Official Zoning Map);
  - (2) Site plan review;
  - (3) Planned developments;
  - (4) Major amendments to a development guide or plan;
  - (5) Sketch plan and preliminary plans for subdivision;
  - (6) Vacations and replats; and
  - (7) Zoning and sign code variances.
- (b) At least fifteen (15) days prior to a public hearing, a notice shall be published at least one (1) time in the legal notice section of a general circulation newspaper within the Town. A publisher's affidavit shall be submitted to the Community Development Department prior to the hearing date to verify the publication of the required notice. The notice shall read as follows:

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the (Name of Board: Board of Trustees or Planning Commission) shall hold public hearings concerning (type of application request), located on property described in Exhibit A and generally located at (distance and direction of nearest major intersections), pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the (Name of Board) on (date), (year), at (time a.m./p.m.), or as soon as possible thereafter. The public hearing shall be held in the Town Hall, 321 S. Banner Street, Elizabeth, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the Town Community Development Department at (303) 646-4166.

ALL INTERESTED PERSONS MAY ATTEND.

EXHIBIT A (legal description)

- (c) At least fifteen (15) days prior to a public hearing, a written notice shall be sent by certified mail to all owners of property within five hundred (500) feet of the site for which the land use application is made. Return receipts shall be submitted with a list of all area property owners to the Planning Office prior to the hearing date. The written notice shall contain the following information:
- (1) The entire notice of public hearings outlined in Subsection (b) above, including the legal description; and

(2) A narrative outlining the proposed land use application before the Planning Commission and the Board of Trustees.

(d) Sign. At least fifteen (15) days prior to a public hearing, a notice shall be posted on the property for which the land use application is made. These notices shall consist of at least one (1) sign facing each adjacent public right-of-way. In the case of a variance request, only one (1) sign shall be posted on site in the general vicinity the variance is being considered. These notices shall be in the form of signs measuring not less than three (3) feet by four (4) feet, with lettering a minimum of three (3) inches high and on posts no less than four (4) feet above the ground. All lettering shall be clearly legible from the right-of-way the sign faces. These notices shall read:

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the property upon which this sign is posted shall be considered at public hearings for (type of application request) pursuant to the Town of Elizabeth Land Development Ordinance.

The public hearings are to be held before the (Name of Board) on (date), (year) at (time a.m./p.m.), or as soon as possible thereafter. The public hearing shall be held in Chambers for the Town of Elizabeth. Further information is available through the Town Community Development Department at (303) 646-4166.

ALL INTERESTED PERSONS MAY ATTEND.

(e) Sign affidavit. The applicant shall provide the Community Development Department with a notarized affidavit to the posting of the sign. The affidavit shall be in substantially the following form:

SIGN POSTING AFFIDAVIT

(Attach Photo Here)

\_\_\_\_\_, The above sign was posted on (date) pursuant to the Town of Elizabeth Land Development Code, by (Applicant or Representative).

\_\_\_\_\_  
Signature

STATE OF COLORADO )

) ss.

COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_.

(SEAL)

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Notary Public

- (f) Vacation requests of lot lines, easements, approved plats or rights-of-way shall follow the same public notice procedures found in Subsections (b) through (d) above, except that references to the hearings before the Planning Commission and the Board of Trustees may be combined upon approval of the Planning Director.

(Ord. 01-20)

Sec. 16-9-30. - Limitations.

Uses by special review shall be permitted for a duration of time specified by the Board of Trustees, or until the land use changes, or is terminated, whichever occurs first. Each use is subject to yearly review by the Town, or as often as the Board of Trustees deems appropriate to ensure compliance with the criteria stated in Section 16-9-20, and any other conditions of approval.

(Prior code 14-5.3)