

## 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. "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 16-3-30, 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 4. 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, ~~324~~ **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 5. 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 6.     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 7.     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 8.     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 \_\_\_\_9\_\_ day of \_\_July\_\_\_\_\_, 2024.

Passed by a vote of \_\_\_\_7\_\_ for and \_\_0\_\_ against and ordered published.

\_\_\_\_\_  
Tammy Payne, Mayor

ATTEST

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk