



INITIAL ZONING

User's Guide

NOTE: FOR DETAILED PROCEDURES,
REFER TO CHAPTER 7 OF THE
UNIFIED DEVELOPMENT CODE

**Town of Erie
Planning & Development – Planning Division
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This document is available on our web site. Go to <https://erieco.gov/111/Planning-Division>
Click on Development User Guide & Fees> Scroll down and click on Initial Zoning

May 2022

Purpose

The boundaries of zone districts and the zone classification of a parcel of land shall be identified at the time a property annexes into the Town of Erie, pursuant to the Municipal Code, Title 10 Unified Development Code.

All Initial Zoning applicants are required to submit an annexation application with their Initial Zoning application for concurrent processing; see the Annexation User's Guide for submittal requirements for this procedure.

Process Summary

The following is a brief summary of the typical Initial Zoning process. Detailed step by step instructions may be found in Chapter 7, *Review and Approval Procedures* of Title 10 of the Erie Municipal Code.

Comments/Review-

Development Review Team Meeting (DRT):

The Project Planner will schedule a Development Review Team Meeting (DRT) after the referral agency review period is over. At the DRT meeting the Project Planner discusses the review comments from all review agencies and discusses the neighborhood meeting comments with the DRT attendees. The DRT meeting typically includes Planning & Development, Public Works staff, Parks & Recreation Administrative staff, the Building Official, Town consultants, and the Fire Marshall. The DRT Meeting does not include the Applicant. If the applicant would like to explain the application to the Project Planner before the DRT meeting they should contact the Project Planner to set up a separate meeting before the DRT meeting is held. After the DRT meeting, the Project Planner will compile all of the staff and referral comments for distribution to the applicant.

Applicant Receives DRT/Referral Comments:

The Project Planner will provide the Applicant with a copy of all the staff and referral comments from the review of the application submittal packet. A meeting between staff and the applicant may be held to review the staff and referral comments. The applicant may also meet directly with the agency(ies) that have expressed concerns with the application. The Project Planner should be included in meeting or correspondence with referral agencies.

Applicant Revisions Submitted/Resolution of Issues Complete:

The Applicant shall address, in writing, all issues and deficiencies identified in the staff and referral comments. To continue the process in a timely fashion, the applicant must complete the requested revisions and resubmit the revised application submittal packet for a second review by the Project Manager and any applicable referral agencies as quickly as possible. If an Applicant fails to submit required information for a period of more than six months from the initial request, the applicant shall become void and the resubmittal of a new application and fees will be required.

The revised application submittal packet will be reviewed by Project Planner at a DRT meeting after any further referral agency comments are received on the revised application submittal packet. The Project Planner shall provide the Applicant with a copy of the staff and referral comments from the second review and will indicate whether or not the application has resolved all of the issues raised in the comments. If the issues have not been resolved then the application goes back to the **Applicant Submits Referral Packets** portion of the process for another round of reviews. Additional fees may be charged for resubmittals that do not address comments. If the issues have been resolved then the application goes forward to the **Schedule/Notice Public Hearing for BOT** portion of the process.

Schedule/Notice Public Hearing for BOT:

The Project Planner shall notify the Applicant when the application is ready for public hearing with the Board of Trustees (BOT). The Project Planner will schedule the first available BOT hearing date based on public hearing notification requirements and room on the BOT agenda. The BOT hearing is held to review the application and is necessary because the BOT adopts their findings and decision on the application by ordinance.

The BOT public hearing requires public hearing notification in the form of notice published in the newspaper, and notice posted on the property by sign. Full detail of the notice process can be found in Municipal Code Title 10 Unified Development Code Section 7.2 F.

Planning & Development shall have the public notice published in the newspaper at least 15 days before the public hearing. The Applicant is responsible for providing the correct legal description of the property to the Town before the notice is sent to the newspaper for publication.

The Applicant shall provide Planning & Development with a current (prepared within 30 days of the scheduled public hearing) list of property owners within 500 feet of the application property area and any associated homeowners associations. Additionally, the Applicant shall provide a stamped and addressed envelopes for each entity identified on the list for each public hearing. Planning & Development shall mail the public notice at least 15 days prior to the public hearing.

Planning & Development shall provide the Applicant with signs to be posted on the property for public hearing notice. The applicant is responsible for posting the signs at least 15 days before the public hearing, checking on the signs to make sure they remain in place, and to remove the signs within two days after the meeting. Before the public hearing the applicant shall submit to Planning & Development a notarized affidavit, on the Town form, stating that the notice was posted and maintained.

Board of Trustees (BOT) Public Hearing:

The Applicant is required to submit all required public hearing documents at least 3 weeks before the public hearing so that the Project Planner has adequate time to write the staff report and draft ordinance for the Board of Trustees. The public hearing documents shall be submitted as one paper copy for public review and a full copy of the public hearing documents in a PDF format for the Board of Trustees review. The staff report and draft ordinance shall be forwarded to the Applicant by the Project Planner when the BOT agenda packets are sent to the Board of Trustees for review. A copy of all public hearing documents are available in Planning & Development for public review at this time as well.

The public hearing will be conducted by the Town of Board of Trustees. The order of the proceedings at the public hearing shall be as follows:

1. The Board of Trustees shall open the public hearing.
2. The Project Planner will present the staff report and draft ordinance, and provide a brief overview of the application.
3. The Applicant will present any relevant information the Applicant deems appropriate for the hearing. The Applicant will also be available for any questions the Board of Trustees may have.
4. Public testimony is heard by the Board of Trustees.
5. The Board of Trustees will ask questions of the Applicant and Staff before making their findings and final decision on the application.
6. The Board of Trustees will close the public hearing.
7. The Board of Trustees will make a final decision on the application by ordinance. The decision will be to approve or deny the application, based on the criteria listed below. If the application is denied, you move to **End of Process**. If the application is approved, you move to **Record Documents**.

End of Process:

Following denial of an initial zoning request, no new application for the same or substantially the same zoning shall be accepted within one year of the date of denial.

Record Documents:

The Applicant shall submit to Planning & Development the approved Zoning Mylar. The Town shall be responsible for sending the appropriate documents to the County Clerk for recordation. The Applicant shall be billed for the cost to record the documents.

Approval Criteria

See Unified Development Code, Section 10.7.4.B.1 of the Erie Municipal Code

Submittal Requirements

All submittals shall be sent to the Planning Division electronically. To request an upload link, please submit your request to planningapplication@erieco.gov. Please contact the Planning Technician at 303-926-2770 if you have any questions. **Applications will not be accepted for review unless all information is submitted.**

1. **Completed Land Use Application (signed and notarized).** [Land Use Application](#)
2. **Application fee**, see Land Use Application for fees.
3. **Proof of ownership** that includes a warranty deed or current title insurance policy or title commitment issued no more than thirty days prior to the date of application, for all of the property within the request.
4. **A notarized letter of authorization** from the landowner(s) permitting a representative to process the application, when the landowner is not the applicant.
5. **Copies of any special agreements**, oil/gas surface use agreements, conveyances, restrictions, or covenants that will govern the use and/or maintenance of the site.
6. **Written narrative**, describing the proposed development which at a minimum provides the following information:
 - a. General project concept and purpose of the request;
 - b. Proposed development time-line;
 - c. How the proposal relates to the existing land-use of the subject property and the zoning and land-use of adjacent properties, including statements describing areas of compatibility and conflict and the mitigation measures utilized;
 - d. How the proposal complies with the Town's Comprehensive Plan and initial zoning approval criteria;
 - e. A description regarding the status of mineral rights and the substance of any existing or proposed covenants, special conditions, grants of easements, or other restrictions applying to the proposed subdivision;
7. **Copy of an ALTA/ASCM Land Title Survey**, for the entire property of the proposal. The survey shall include all above ground and below ground improvements, (i.e. utility lines, existing structure footprints, oil and gas facility equipment, oil and gas flow lines, distribution lines, etc.). Each survey shall be updated to reflect the current title work for the property, referenced in submittal item 3.
8. **Zoning Map** shall be prepared on 24" x 36" paper size at a scale no greater than 1" = 200'. The zoning map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording in the office of the County Clerk and Recorder. The zoning map shall contain the following information:

- a. A title block shall be placed at the top/center of the exhibits along the long dimension of each sheet, containing the name of the property and a general aliquot legal description with county, total acreage, and project file number;

EXAMPLE: (Insert Subdivision Name, Aliquot Description, Proposed Acres/Lots/Tracts and Project Number. See example below)

ERIE VALLEY ZONING MAP
 A PORTION OF THE N ½ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPLE
 MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, COLORADO
 4 ACRES
 IZ ___-___

- b. A block in the lower right hand corner shall include the following: the preparation date and revision date chronology; a north arrow designated as true north; a written and graphic scale; and if applicable, the number of the sheet and total number of sheets;
- c. For subdivided land, label all property lines with bearings, distance, curve data and lot/block numbers as shown on the final plat;
- d. For unsubdivided land, label all property lines with bearings, distance and curve data as shown on a certified boundary survey;
- e. For proposals requesting multiple zone districts, label all zone district boundary lines with bearing, distance and curve data;
- f. A scaled vicinity map that depicts the area around the proposal within a 1-mile radius;
- g. A written legal description for subdivided property or a written metes and bounds description of the site's boundary for unsubdivided property;
- h. A written legal description for each zone district indicated on the map;
- i. Depict existing subdivision lot lines or metes and bounds property lines and rights-of-way within 100' of the proposal. Said information for adjacent properties shall be screened back;
- j. Identify the land use and zone district information of all adjacent property. When an adjacent property is not within the Town's boundary, the respective jurisdictions' land use and zone district information shall be identified; and
- k. The following certificates:

SURVEYOR'S CERTIFICATE

I, _____ (SURVEYOR'S NAME), A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ZONING MAP TRULY AND CORRECTLY REPRESENTS THE ABOVE DESCRIBED LEGAL DESCRIPTIONS FOR EACH ZONE DISTRICT.

I ATTEST THE ABOVE ON THIS _____ DAY OF _____, 20__.

_____ (SIGNATURE)
 (SURVEYOR'S NAME)

Colorado registered Professional Land Surveyor # _____ (SEAL)

BOARD OF TRUSTEES APPROVAL CERTIFICATE

- 1 - Completed Land Use Application (Signed/Notarized)
- 2 - Application Fee
- 3 - Written Narrative
- 4 - Proof of Ownership
- 5 - Notarized Letter of Authorization
- 6 - Special Agreements
- 7 - ALTA Survey
- 8 - Final Plat
- 9 - Phase III Drainage Report
- 10 - Development Agreement

Links to Online Resources

1. Unified Development Code
[Unified Development Code](#)
2. Land Use Application
[Land Use Application](#)
3. Development Agreement Templates, Exhibit B Templates, Letter of Credit Template, Street Naming and Addressing Policy
[Standard Forms & Templates](#)
4. Town of Erie Standards of Specifications
[Town of Erie Standards and Specifications](#)
5. Town of Erie Parks and Trails Master Plan
[Parks, Recreation, Open Space, and Trails Master Plan](#)
6. Public Improvement Permit Application
[Public Improvement Permit Application](#)