

# UDC AMENDMENT

10-3-1 PERMITTED USES

10-7-5 REZONING PROCEDURES

10-11-3 DEFINITIONS



Board of Trustees – May 25, 2021

# General Intent of the Amendments

- Update the procedure for adoption of a rezoning in UDC Chapter 7: Review and Approval Procedures.
- To clarify that uses not listed in UDC Table 3-1 Table of Permitted Uses are prohibited.
- To add the use Pawnbroker Business to Table 3-1 as not permitted in any zone district and to add a definition of Pawnbroker Business to UDC Chapter 11 Definitions.

# Chapter 7 Amendment

## d. *Form of Amending Ordinance*

An ordinance *rezoning property* ~~amending the Zoning Map~~ shall contain the following:

- i. The name of each *zone* ~~use~~ district which the ordinance applies; and
- ii. The legal description of the *affected property*, ~~land within each zoning district applied by the ordinance.~~ *a map showing the affected property, or any other information identifying the property.*

# Chapter 3 Amendment

## A. *Any use not expressly listed in Table 3-1 as a permitted use or a special review use is prohibited in the Town.* **Classification of New and Unlisted Uses**

New types of land use will develop and forms of land use not anticipated may seek to locate in the Town. When application is made for a use category or use type that is not specifically listed in Table 3-1, the following procedure shall apply:

1. The Director shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the Director shall consider its potential impacts, including without limitation the nature of the use; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
2. Standards for new and unlisted uses may be interpreted as those of a similar use by the Director.

# Chapter 3 & 11 Amendment

TABLE 3-1: TABLE OF PERMITTED USES																				
P = Permitted Use by Right											S = Special Review Use					<u>Blank Cell = Prohibited</u>				
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/ OS	AP	PLI
COMMERCIAL USES																				
Pawnbroker Business	Pawnbroker Business																			

## Chapter 11: Definitions

### **Pawnbroker business**

*Any business including a pawnbroker, as defined by C.R.S. 29-11.9-101, as amended.*

# C.R.S. 29-11.9-101 Pawnbroker Definition

## 29-11.9-101. Definitions

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As used in this article 11.9, unless the context otherwise requires:

- (1)** "Contract for purchase" means a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the customer by the pawnbroker on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, to be no less than thirty days, has the option to cancel said contract.
- (2)** "Fixed price" means the amount agreed upon to cancel a contract for purchase during the option period. Said fixed price shall not exceed one-fifth of the original purchase price for each month, plus the original purchase price.
- (3)** "Fixed time" means that period of time, to be no less than thirty days, as set forth in a contract for purchase, for an option to cancel said contract.
- (4)** "Local law enforcement agency" means any marshal's office, police department, or sheriff's office with jurisdiction in the locality in which the customer enters into a contract for purchase or a purchase transaction.
- (5)** "Local licensing authority" means the governing body of a municipality or city and county in any incorporated area of the state and the board of county commissioners of a county in any unincorporated area of the state.
- (6)** "Option" means the fixed time and the fixed price agreed upon by the customer and the pawnbroker in which a contract for purchase may be but does not have to be rescinded by the customer.
- (7)** "Pawnbroker" means a person regularly engaged in the business of making contracts for purchase or purchase transactions in the course of his or her business.
- (8)** "Purchase transaction" means the purchase by a pawnbroker in the course of his or her business of tangible personal property for resale, other than newly manufactured tangible personal property that has not previously been sold at retail, when the purchase does not constitute a contract for purchase.
- (9)** "Tangible personal property" means all personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his or her business in connection with a contract for purchase or purchase transaction.

# Approval Criteria

The following are the approval criteria of Section 7.21.C.9, Amendments to the Text of the Code that are to be considered when reviewing the proposed UDC Amendment.

1. The proposed amendment will promote the public health, safety, and general welfare;
2. The proposed amendment is generally consistent with the Town's Comprehensive Master Plan and the stated purposes of this UDC; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

# Public Notice

Notice of this Public Hearings was provided as follows:

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# Recommendations

Staff Recommendation: Approval of the proposed UDC Amendments as stated in Ordinance No. 11-2021.

Planning Commission Recommendation: Approval of Ordinance No. 11-2021 with the following recommended changes:

- a. Remove Section 1.
- b. Modify Section 2. to state: Table 3-1 in Section 10-3-1 of the Erie Municipal Code is hereby amended to include "Pawnbroker Business" in the "Commercial Uses" section, with Pawnbroker Business ~~not listed as a permitted use or special review use in any zone district in the~~ CC-Community Commercial, RC-Regional Commercial, B-Business, and LI-Light Industrial zone districts within the Town.