

REZONE – ARTICLE 4, SECTION 4-4-2

The city council may, after consideration and recommendation by the city planning commission, change zone district boundaries whenever public necessity, safety, and general welfare, desired redevelopment or community growth in the public's interest, or implementation of adopted plans or policies, justify such action.

A proposed change of zone district boundaries may be initiated by the council, planning commission, or owner(s) of a minimum of fifty (50) percent of the property within the area requested to be rezoned.

Required Materials and Submittal Requirements

1. ___ Land use application
2. ___ Application fee
3. ___ Narrative regarding need for rezone and its impacts
4. ___ Copy of property deed with legal description
5. ___ Vicinity sketch with property dimensions, boundaries, acreage, zoning, right-of-way locations, easements, adjoining lots or subdivisions, property owners' addresses within 300 feet of applicant's property.

Submittal requirements The applicant shall submit to the department the following materials. Only complete submittals shall be accepted.

1. ___ A completed rezone application.
2. ___ A copy of the property deed(s), including a legal description for all property to be considered for rezoning. A certified survey of the property may be required to provide a correct legal description.
3. ___ A written statement describing the proposal and addressing the following points:
 - a. ___ Need for the rezone.
 - b. ___ Present and future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area.
 - c. ___ Impact of the proposed zone on area accesses and traffic patterns.
 - d. ___ Availability of utilities for any potential development.
 - e. ___ Present and future impacts on public facilities and services, including, but not limited to, fire, police, water, sanitation, roadways, parks, schools, and transit.
 - f. ___ The relationship between the proposal and any adopted plans and/or policies of the city.
 - g. ___ A vicinity sketch map: The sketch map shall be either eighteen by twenty-four (18 x 24) inches or twenty-four by thirty-six (24 x 36) inches and have the name of the applicant, date of preparation, a graphic scale, and a symbol designating true north on the map. It shall also show:
 1. ___ Location and boundaries, including dimensions, of the property(s) proposed for rezone.

2. ___ The acreage or square footage contained within the property proposed for rezoning.
3. ___ All existing structures and land uses in the proposed rezone area.
4. ___ Zoning and existing land uses on all lands adjacent to the proposed rezone.
5. ___ The location and dimensions for all existing public rights-of-way including streets, alleys and easements; water and sewer mains; watercourses within and adjacent to the rezone; and the names of all streets.
6. ___ The names of all adjoining subdivisions with lines of abutting lots, departing property lines of adjoining properties not subdivided, and similar facts regarding property which is immediately adjacent.
7. ___ Names and addresses, as recorded in the La Plata County Assessor's office, of all adjacent (see definition) property owners within 300 feet of all boundaries of the property proposed for rezoning, and names and current addresses of property owner(s) within the boundary of the proposed rezone.
8. ___ Any additional materials which, in the opinion of the administrator, are necessary to adequately review the application as determined by the staff within five working days following the preapplication staff conference.
9. ___ Upon approval of an application, any deed(s) for required rights-of-way, shall be submitted.

Review process

1. ___ Prior to filing an application, an applicant shall schedule a conference with the appropriate staff to informally discuss the rezone proposal and to establish the specific number and type of submittal materials required.
2. ___ The application shall be reviewed by the planning department. The staff shall review the application in accordance with the criteria (see section 4-4-4) established in this article and staff shall obtain review comments in accordance with general review procedures.
3. ___ A public hearing shall be scheduled for a meeting agenda of the planning commission within 125 days from the date the application is filed unless the applicant agrees in writing to an extension. The staff shall present the application, including comments obtained in the review procedure, to the planning commission at the hearing.
4. ___ Following the required hearing, the planning commission shall consider the testimony and evidence presented at the hearing and evaluate the application and recommend approval or deny the application, either in whole or in part, no later than 35 days from initial date of the hearing, unless the applicant agrees, in writing, to an extension.
5. ___ A recommendation of the planning commission to approve the application shall be scheduled for a public hearing.

6. ___ A planning commission recommendation to deny an application may be appealed by the applicant and a public hearing shall be scheduled. An appeal shall be in writing and shall be filed at the department within five working days of the planning commission action.
7. ___ In the event the applicant receives a favorable recommendation from the planning commission or an appeal is filed, the staff shall schedule the application for a public hearing before the city council. The hearing shall be held no later than 45 days following the planning commission action.
8. ___ Following the required hearing, the city council shall consider the comments and evidence presented at the hearing and evaluate the application and approve or deny the application, in whole or in part, no later than 35 days from the initial date of the hearing, unless the applicant agrees in writing to an extension.
9. ___ A favorable vote of a majority of the entire membership of the city council shall be required to approve or deny a recommendation of the planning commission.
10. ___ In all final actions by either the planning commission or the city council, the reasons for the action shall be stated in the official minutes of that body.
11. ___ Applications which are approved shall comply with the rights-of-way dedication requirements of this code for all known rights-of-way within and/or abutting the area rezoned. If right-of-way is required, properly executed deeds for such right-of-way shall be submitted prior to the second reading of the ordinance approving such application. This requirement does not apply if the application is city initiated or if a subdivision application has been filed.
12. ___ The approved zone district shall not vest until a site specific development plan has been approved by the city council for the property, or part thereof, included within the approved zone district.

(Ord. No. 1994-2, § 1, 2-1-94)