

# Clear Creek County Zoning Regulations: Section 19

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## **SECTION 19. ZONING AMENDMENT TO THE OFFICIAL ZONE DISTRICT MAP**

All amendments to the Official Zone District Map shall meet the standards set forth in this Section.

### **1901. PURPOSE.**

The purpose of this Section is to provide a means for changing the boundaries of the Official Zone District Map or any other map incorporated in these Regulations by reference. It is not intended to relieve particular hardships, or to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions.

### **1902. INITIATION.**

An application for a zoning amendment to the Official Zone District Map may be proposed by the Board of County Commissioners, the Planning Commission, the Planning Director, or the owner or another person having a recognized interest in the land affected by a proposed zoning amendment or their authorized agent.

### **1903. SUBMITTAL PROCESS**

The two-step submittal process identified below encourages, but does not require, the submission of a companion site specific development plan with the rezoning request for the property when applicable. When the two are submitted and reviewed together, the County benefits by being able to review a “total project” rather than being required to review and make separate decisions on “parts” of a project at separate times. This also benefits the applicant because the County is able to have the benefit of reviewing the applicant’s site specific development plan during a rezoning request in order to understand whether the Standards for granting a rezoning are being met by the request.

#### **1903.1 Sketch Plan (Intent/Submittal Requirements)**

The sketch plan is intended to be an optional process that provides an applicant the opportunity to submit a basic conceptual plan in order to allow the County and public to evaluate and discuss basic concepts for development prior to an applicant moving forward to submitting detailed plans and engineering required in the final plan process when reviewing a site-specific development plan. An applicant may choose to bypass the “two-step process” and apply for a final plan for consideration where all issues identified in the sketch plan and final plan will be considered.

The purpose of sketch plan review is for the applicant, the County and the general public to evaluate and discuss the basic concepts for development of the proposal and to consider whether rezoning the property will result in a significant improvement over its development in the existing zoning district by accomplishing the following:

1903.1.1 Reach general agreement on such issues as, but not limited to; appropriate range of units, amount of commercial space for development, types of uses, dimensional limitations, general locations of development, and general alignments for access, and whether water supply and sewage disposal will be provided via on-site systems or through connection to public systems.

1903.1.2 Feasibility of the proposal in consideration of environmental constrains and availability of services and infrastructure, based on the results of the Site Characteristics Analysis and information received from public service agencies.

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1903.1.3 Whether the proposal complies with the purpose and intent of the *Clear Creek County Master Plan*, the Zoning Regulations, and is generally compatible with surrounding land uses.

1903.1.4 The outcome of the sketch plan review should be an identification of issues and concerns the applicant must address if the project is ultimately to receive approval of the proposal from the County.

A sketch plan is the first step in establishing land uses and siting restrictions for a parcel(s) of land. The uses, minimums and maximums provided in the ODP will be reviewed at the final plan stage to further determine the appropriateness for the particular site and neighborhood. Once a sketch plan has been approved, a final plan which complies with the terms, conditions and requirements of the approved sketch plan must be submitted and approved. The final decision regarding zoning uses occurs only during the review of the final plan which must comply with all applicable restrictions and regulations.

## 1903.2 Final Plan (Intent/Submittal Requirements)

The purpose of final plan review is for the applicant to respond to the issues and concerns identified during sketch plan review and to formulate detailed, properly engineered solutions to those issues and concerns that conform to the approved sketch plan, if applicable. The final plan stage is when the applicant is to provide detailed information and mitigation proposals to be evaluated by the County. The final plan shall include phasing, if applicable, guiding the sequence of development over time, and it may include certain conditions and/or restrictions that will guide the future development of the property.

## 1903.3 Submittal Process

The following process will be followed for both Sketch Plan and Final Plan applications.

### 1903.3.1 Pre-application Conference

Prior to submittal of an application, the applicant shall meet with the Planning Department to determine if the rezoning request is applicable to their particular development request and to review the procedure and submittal requirements. The applicant should bring applicable documentation for review.

1903.3.2 After a site visit has been conducted, the Planning Department will determine any additional submittal requirements needed (other than the general requirements), and will provide them in writing to the applicant.

1903.3.3 The applicant shall submit one (1) copy of the submittal to the Planning Department.

1903.3.4 The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.

1903.3.5 Once the submittal is determined complete by the Planning Department, staff will notify the applicant of the number of copies and content of the submittal required to be provided for distribution.

1903.3.6 The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis.

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- 1903.3.7. Referral agencies shall be given twenty-one (21) calendar days prior to the Planning Commission public hearing to comment.
- 1903.3.8. Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Planning Commission public hearing.
- 1903.3.9. The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the Planning Commission public hearing. The applicant will be notified of the public hearing date, time, and place.
- 1903.3.10. At least fourteen (14) calendar days prior to the Planning Commission public hearing, the applicant shall post and maintain a notice on the parcel(s) under consideration. The notice(s) shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.
- 1903.3.11. During the public hearing, the Planning Commission shall evaluate the submittals, referral comments, staff report, and public testimony, and make a recommendation to the Board of County Commissioners (BOCC) to approve, approve with conditions, or deny the application.
- 1903.3.12. The applicant may be required to provide additional information prior to the BOCC public hearing based on conditions/stipulations recommended by the Planning Commission.
- 1903.3.13. The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the BOCC public hearing. The applicant will be notified of the public hearing date, time, and place.
- 1903.3.14. Based upon the submittal documentation, site characteristics analysis, comments received, and the Planning Commission's recommendation, the Planning Department will prepare a staff recommendation/report and draft resolution for the BOCC public hearing.
- 1903.3.15. During the public hearing, the BOCC shall evaluate the submittals, referral comments, staff report, Planning Commission recommendation, and public testimony, and shall approve, approve with conditions, or deny the application.
- 1903.3.16. The Planning Department will notify the applicant of any modifications or requirements needed to finalize any final documents prior to recording with the County Clerk and Recorder.

### **1904. APPLICATION CONTENTS FOR A MAP AMENDMENT.**

An application for a zoning amendment shall contain the following materials. The Planning Director may waive one or more of the submittal requirements when the submittal information would not be relevant to whether the zoning amendment proposed complies with the approval criteria, or if such information is being submitted with a companion application.

**1904.1. Applicant's Identity.** The applicant's name, mailing address, telephone, email address and fax number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent, or a completed landowner authorization form granting authorization to the agent, shall be submitted, authorizing the agent to represent the owner and stating the

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representative's name, mailing address, telephone, email address and fax number.

- 1904.2. Legal Description.** The legal description and street address, if such exists, of the parcel on which development is proposed to occur.
- 1904.3. Disclosure of Ownership.** A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership shall be in the form of a current certificate from a title insurance company (title commitment), or ownership and encumbrance report. The title commitment or ownership and encumbrance report shall be dated within two (2) months prior to formal application submittal.
- 1904.4. Vicinity Map.** An eight and one-half inch by eleven inch (8 ½" x 11") vicinity map, locating the subject parcel within Clear Creek County. The map shall, at a minimum, have a scale bar and clearly identify the subject parcel(s) and the nearest public road.
- 1904.5. Written Description.** A written description of the proposal and an explanation in written, graphic or model form of how the proposal complies with the review standards applicable to the application.
- 1904.6.** Application filing fee pursuant to the current fee schedule;
- 1904.7 If the applicant desires to combine the rezoning process with review of a site specific development plan,** a companion Subdivision, companion Subdivision Exemption, companion Development Review, or companion Special Use Permit, when applicable.
- 1904.8** Certification of notice to mineral estate owners of record pursuant to Section 24-65.5-103, Colorado Revised Statutes. Such notice shall include all information required by such statute, as well as the time and place of the initial public hearing, the nature of the hearing, the location of the property that is the subject of the hearing and the name of the applicant;
- 1904.9** A Certified Boundary Survey of the parcel(s) under consideration, showing all bearings and distances outside the perimeter boundary lines. The closure error of the survey may not exceed one to five thousand (1:5,000).
- 1904.10** A statement on how the proposed zoning amendment is consistent with the policies of the Clear Creek County Master Plan, consistency with the Master Plan, or then current plan and any other applicable code provision or ordinance in effect; And, as applicable;  
A statement which demonstrates how the proposed zoning amendment will correct what the applicant perceives as erroneous zoning or that demonstrates how the proposed zone change will fit with what the applicant perceives as the changing conditions in the area.
- 1904.11** A statement which demonstrates how the uses allowed by the proposed zoning amendment will be compatible with permissible surrounding land uses.
- 1904.12** Statements from public water and sewer utilities which indicate that they are able to provide service for the site. If public utilities are not to be used, the applicant shall submit information which documents the availability of water and suitability of the site for the sewage disposal system chosen by the applicant.

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The evidence shall document the adequacy of the proposed utility service for the uses permitted in the proposed zone district.

**1904.13** An Engineering Geology Report/Geotechnical Study of the site proposed for zoning amendment with a statement of the suitability of soils to support all uses allowed in the proposed zone district. If the Engineering Geology Report/Geotechnical Study indicates soils which present moderate or severe limitations to the construction of structures or facilities on the site, the applicant shall submit information which demonstrates that the limitations can be reasonably and practicably overcome.

**1904.14** If road, intersection, or highway facilities which provide access to the property are not adequate to meet the requirements of the proposed zone district, the applicant shall supply information which demonstrates willingness and financial capability to upgrade the road or highway facilities in conformance with the County's road standards. In addition, the applicant shall provide information which demonstrates that no significant impact will occur to other roads, intersections or highway facilities as a result of the proposed change, with consideration given to all potential changes in the vicinity or how the applicant intends to mitigate the impact.

### **1905. STANDARDS FOR ZONING AMENDMENT.**

No change in zoning shall be allowed unless in the sole discretion of the Board of County Commissioners, the change is justified in that the advantages of the use requested substantially outweigh the disadvantages to the County and neighboring lands. In making such a determination, the Planning Commission and the Board of County Commissioners shall consider the application submittal requirements and the following standards:

**1905.1 Consistency with the Clear Creek County Master Plan.** Does the proposed amendment consider the purposes and intents of the Clear Creek County Master Plan, any ancillary County-adopted Specialty and Community Plan documents, and is it consistent with all relevant goals, policies, and implementation strategies?

**1905.2 Compatible with Surrounding Uses.** Does the proposal provide compatibility with the type, intensity, character and scale of existing and permissible land uses surrounding the subject property? Dimensional limitations of the proposed zone district, when applied, should result in development that will be harmonious with the physical character of existing neighborhood(s) surrounding the subject property.

**1905.3 Public Benefit.** Does the proposal address a demonstrated community need or otherwise result in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to; affordable local resident housing; childcare facilities; multi-modal transportation, public recreational opportunities; infrastructure improvements; preservation of sensitive lands.

**1905.4 Adequate Infrastructure.** Is the property subject to the proposal served by adequate roads, water, sewer and other public use facilities?

**1905.5 Change in Circumstances.** If the proposed amendment would otherwise be in conflict with the Clear Creek County Master Plan or any ancillary County-adopted specialty and community plans, does the proposed amendment address or respond to a change of an economic, physical, or social nature that has occurred to the neighborhood?

The Board of County Commissioners will have to make a finding of what the neighborhood is.

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**1906. ZONING AMENDMENT CONDITIONS OF APPROVAL.**

The Board of County Commissioners may establish conditions for any approval of a change in zoning as deemed necessary to ensure that the justification and standards for the zoning change will be satisfied.