

SECTION 25 REZONING

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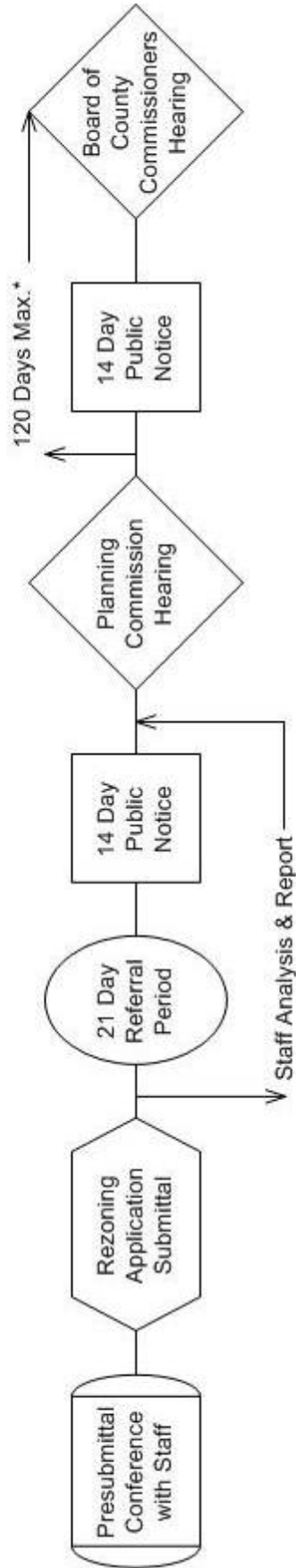
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REZONING PROCEDURE



Public Notice: Publish notice in newspaper, post sign on site, and notify abutting landowners by certified mail.

*The hearing with the Board of County Commissioners must be held within 120 days after the final Planning Commission hearing.

(Amended 11/12/13)

2501 Intent

To provide a process to amend the Official Zone District Map with regard to the area of any zoning district. During this process, factors such as providing a water supply, lessening road congestion; ensuring the adequacy of public facilities to accommodate population growth; reducing the waste of excessive amounts of roads; promoting energy conservation; securing safety from fire, flood and other dangers; providing adequate light and air; classifying land uses and distributing land use and development; protecting the tax base; securing economy in governmental expenditures; fostering agriculture and other industries; and protecting both urban and nonurban development shall be considered. *(Amended 5/26/2015)*

2502 Standards for Approval *(Amended 11/18/14)*

The following criteria shall be considered by the Planning Commission and Board in the review of all rezoning applications:

- 2502.01 Whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan;
- 2502.02 Whether the application is in compliance with all applicable statutory provisions;
- 2502.03 Whether there has been a substantial change in the character of the neighborhood, since the land was last zoned;
- 2502.04 Whether the application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development;
- 2502.05 Whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development;
- 2502.06 Whether the application is in conformance with Section 18A, Water Supply - Overlay District, herein; *(Amended 5/26/15)*
- 2502.07 Whether the proposed rezoning is compatible with the surrounding land uses; and
- 2502.08 Whether the subject land is suitable for the intended use.

2503 Prerequisite *(Amended 8/22/07)*

Prior to submittal of a rezoning application, the applicant shall meet with staff to review the proposal and discuss the procedures and submittal requirements.

- 2503.01 The applicant shall contact the Planning Services Division and schedule a presubmittal meeting which may include the Engineering staff and other referral agencies, as deemed necessary. The applicant shall provide the following:
- 2503.01.1 narrative describing the proposed change and how it addresses the approval criteria;
 - 2503.01.2 a schematic plan illustrating property location, adjacent uses, access, street network, and neighborhood connections;
 - 2503.01.3 preliminary evidence of the availability of services, including schools, fire and sheriff protection, parks, utilities such as water, sanitary sewer, electricity, and gas;
 - 2503.01.4 a description of the site regarding natural and man-made hazards, soils, vegetation, water features, drainages, and wildlife movement areas; and
 - 2503.01.5 water supply documentation in accordance with Section 18A, Water Supply - Overlay District, herein. (*Amended 5/26/15*)
- 2503.02 The staff shall comment on the proposal, compliance with the approval criteria and Comprehensive Master Plan, and explain the rezoning process. Additional review may be required at the discretion of the Director due to the size and/or complexity of the proposal.
- 2503.03 A staff comment summary shall be provided to the applicant, and a copy shall be included in the project file.

2504 Submittal Process (*Amended 8/11/09*)

The rezoning application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. The submittal is processed as follows:

- 2504.01 The applicant shall submit the required submittal information to the Planning Services Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 2504.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral

agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.

2504.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*

2504.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. *(Amended 11/12/13)*

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all referral agencies - regulatory received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of any and/or all referral agencies - advisory. *(Amended 11/12/13)*

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by referral agencies - regulatory.

2504.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 2508 herein.

2504.06 The Planning Commission shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, and public

comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the rezoning request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

- 2504.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 2508 herein.
- 2504.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the rezoning by the Board.
- 2504.09 The Board shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the rezoning request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2504.10 Upon approval, a resolution shall be adopted by the Board which includes the full legal description of the land rezoned, and which shall be recorded in the Office of the Clerk and Recorder.
- 2504.11 If denied by the Board, a resubmittal of a rezoning request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed rezoning. *(Amended 4/10/12)*

2505 General Submittal Requirements *(Amended 11/18/14)*

- 2505.01 Completed Land-Use Application Form *(available from the Planning Office)*
- 2505.02 Application Fee *(fee schedule available from the Planning Office)*

- 2505.03 Proof of ownership that may be an updated or current title insurance policy or title commitment no more than thirty days old from the date of application.
- 2505.04 A notarized letter of authorization from the landowner permitting a representative to process the application, as necessary.
- 2505.05 Project Summary (*per 2506 herein*)
- 2505.06 Plan Exhibit (*3 copies of the plan per 2507 herein*)
- Plan reductions (11"X17") will be required for public hearing packets for the Planning Commission and the Board.
- 2505.07 An analysis of the capacity of public facilities and services within the impact area.
- 2505.07.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 2505.07.2 Documentation of capacity from the fire protection district in accordance with adopted fire district level of service standards.
- 2505.07.3 Documentation of capacity from the school district in accordance with the adopted school district capacity policy.
- 2505.08 Water supply documentation in accordance with Section 18A, Water Supply - Overlay District, herein. (*Amended 5/26/15*)
- 2505.09 Documentation of the physical and legal capability to provide sanitation.
- 2505.10 Referral packets
- Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled.
- 2505.11 A copy of the formal staff analysis from the presubmittal meeting and additional information, as requested by staff.

2506 Project Summary (*Amended 11/18/14*)

The following information shall be submitted in written narrative form, unless waived by the Director:

- 2506.01 General project concept

2506.02 The name and address of:

- landowner/applicant
- representative/applicant
- mineral rights owner
- water rights owner

2506.03 Purpose of this request

2506.04 Proposed development staging and time frame

2506.05 How it relates to the existing land uses, and abutting land uses

2506.06 A description of the availability and adequacy of public services and facilities.

2506.07 An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or man-made hazards

2506.08 Impacts on existing flora and fauna

2506.09 Compliance with the:

- Douglas County Comprehensive Master Plan
- Denver Regional Council of Government's Metro Vision Plan
- 1041 Regulations regarding New Communities

2506.10 Phase I Drainage and Water Quality Study

2506.11 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.

2506.12 Changes in the character of the neighborhood, since the land was last zoned, to substantiate a rezoning

2506.13 Any other required information as applicable when other applications are processed in conjunction with the land-use application.

2507 Plan Exhibit

2507.01 Prepare the plan on 24"X36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director that allows for a maximum clarity of the proposal with the name of the proposal placed at the top of the sheet along the long term dimension of each sheet.

- 2507.02 The legal description of the land being shown on the plan exhibit.
- 2507.03 A vicinity map that depicts the area to be rezoned and the area which surrounds this site within a 1-mile radius superimposed on the Douglas County Zoning Map maintaining the same scale.
- 2507.04 A block in the lower right-hand corner which includes the following: the preparation date; a north arrow designated as true north; a written and graphic scale; the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit; and the number of the sheet and the total number of sheets.
- 2507.05 Indicate existing zoning of the land on the plan exhibit and the existing zoning and land uses of the abutting land.
- 2507.06 Delineated to scale, the existing easements on the site, their use and titleholder or rightholder to that easement.
- 2507.07 Show all existing structures on the site, their uses and whether they are to remain on the site.
- 2507.08 Show public access to the site and internal circulation, not limited to vehicular.
- 2507.09 Delineate right-of-way dimensions, name and surface materials for all points of access on or adjacent to the site.
- 2507.10 Show topography at 10' contour intervals, delineate areas of 20% or greater slope; the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 2507.11 Graphically define all natural and manmade water courses, retention areas, streams and lakes, and any known 100-year floodplains affecting the site.
- 2507.12 Show all adjacent land owned by the applicant, the current or intended use of such land; land not part of the rezoning request shall be noted as such.
- 2507.13 Note any unique features on the site, historical landforms, views, etc.

2508 Public Notice Requirements - Rezoning

The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward

the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings. *(Amended 3/28/01)*

2508.01 WRITTEN NOTICE *(Amended 3/28/01)*

At least 14 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least 7 days prior to the public hearing, the applicant shall submit the following to the Planning Office:

- alphabetical list of the abutting landowners;
- map showing the site and the location of the abutting landowners;
- copy of the notice sent to the landowners; and
- certificate of mailing

The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows:

(list of addresses)

(signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this section, the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the hearing.

2508.02 PUBLISHED NOTICE *(Amended 3/28/01)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Services Division at least 7 days prior to the public hearing.

The Board may direct that the notice be published in one or more additional newspapers of general circulation in Douglas County. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for a change in zoning from (zone district) to (zone district). The subject property is located approximately (distance and direction from nearest major intersection). For more information call Douglas County Planning at 303-660-7460.
File No./Name: _____

2508.03 POSTED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least four feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3'x4'. Letter size shall be a minimum of three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." *(Amended 11/6/2018)*. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

This land shall be considered for a change in zoning from (zone district) to (zone district). The public hearing is (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO. For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

Further requirements include:

An affidavit of sign posting shall be submitted for the file in the Planning Services Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)
(Sign lettering must be legible in photo)

I, _____ (print name of applicant/representative/person posting sign), attest that the above sign was posted on (date) abutting (name of street).

_____ (signature) File No./Name: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this ___ day of _____, 20___ by _____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

The sign shall be removed by the applicant within two weeks following the final decision by the Board.

2509 Withdrawal of Application

The applicant may withdraw an application at any time during the process upon submittal of a notarized, written request, to the Planning Services Division. Rezoning fees will be refunded only when the withdrawal request is submitted prior to the mailing of referral packets.

2510 Inactive Files

Files that become inactive, whereby the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the rezoning request. The Director may grant no more than two extensions of time, of no more than 6 months, upon a written request by the applicant. After five months, the staff planner shall notify the applicant in writing that the application will become void within thirty days. After thirty days, provided that the applicant has not submitted the required additional information or requested a hearing date, the staff planner shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter.

2511 County Initiated Rezoning

The Douglas County Planning Commission or the Board of County Commissioners may, at any time, direct the Planning Services Division to initiate rezoning for any parcel of land within the unincorporated area of Douglas County. When rezoning is initiated by the Planning Commission or Board, the owners of record and contract purchaser, when applicable, shall be notified by certified mail of the intended zoning change. All procedures as to posting, publishing and hearing shall be adhered to.

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