

SECTION 14

ZONING AND LAND USE CODE AMENDMENTS

14.1 GENERAL PROCEDURE:

Amendments to this Code, rezoning and any zone district amendment shall be in accordance with the statutes of the State of Colorado, with report and recommendations from the Planning Commission to the BOCC required prior to the adoption of any such amendment.

14.2 PROCEDURAL REQUIREMENTS FOR AMENDMENTS TO CHANGE THE ZONING CLASSIFICATION OF A PARCEL(S) AND/OR AREA OF LAND:

A. Private Landowners: The following shall apply to all requests for rezoning initiated by private landowners or their authorized agents for property in which they have an interest.

B. Citizens: Additionally, citizens who initiate rezoning of lands in the County shall follow Colorado State Law governing such actions.

C. Procedures:

(1) A petition for amendment to this Code by which the zoning classification of a parcel(s) and/or area of land is changed shall be submitted to the Planning Commission through the Land Use Administrator.

(2) After receipt of the Rezoning petition for amendment to this Code, the Commission shall set a public hearing date and shall publish notice of said hearing at the expense of the petitioner in a newspaper of general circulation at least fifteen (15) days prior to the hearing date.

(3) The petitioner shall send notice, by certified mail, return receipt requested, of the public hearing to all owners of property within one thousand, two hundred (1,200) feet of the boundaries of the property which is the subject of the petition for the proposed Rezoning, at least fifteen (15) days before the public hearing before the Planning Commission. Notice by mail shall be deemed complete upon mailing to the last known address of said owners as shown in the records of the Ouray County Assessor.

(4) The petitioner shall cause a sign or signs to be placed in conspicuous location(s) on the subject property, not less than fifteen (15) days prior to said hearing, stating the change request and the date, time, and place of the hearing. The Land Use Administrator shall determine the number and location of the signs to be posted.

(14.2C)

- (5) The petitioner shall present proof satisfactory to the County that all notices required by this section have been made or sent.
- (6) After the public hearing, the Planning Commission shall submit a report and recommendation on the proposed Rezoning to the BOCC.
- (7) The BOCC shall set a public hearing on the Rezoning request and shall publish notice of the hearing at the expense of the petitioner in a newspaper of general circulation at least fifteen (15) days prior to the hearing date. After the public hearing before the BOCC, the Board shall proceed with the Rezoning request as prescribed by law for the consideration of passage of any resolution of the County and after consideration of the Rezoning request under the standards as set out in Section 14.4.

14.3 SUBMITTAL REQUIREMENTS TO CHANGE THE ZONING CLASSIFICATION OF A PARCEL(S) AND OR AREA OF LAND:

- A. A legal description of the parcel(s) and/or area of land to be rezoned along with a sketch map to scale showing the boundaries of the area to be rezoned which indicates the current zoning or designation for all areas adjacent to the area proposed to be rezoned. The map shall also identify all parcels for rezoning. The map shall be at a scale of at least 1 inch = 20 feet, or other scale approved by the Land Use Administrator. The map shall identify ownership on all parcels. The application and/or petition shall also include consent of all owners of record for the parcel(s) which are the subject of the application and/or petition.
- B. A statement indicating the requested new zone district and justification for the rezoning, as well as an explanation of how the rezoning complies with the standards set forth in this section of the code.
- C. A description of uses proposed in the area to be rezoned, along with a description of land uses and buildings within one thousand two hundred (1,200) feet in all directions.
- D. A time schedule for any contemplated new construction or uses.
- E. A description of the effect that the rezoning would have on uses of adjacent properties in the area proposed to be rezoned on the County generally.

14.4 STANDARDS FOR AMENDMENTS TO CHANGE THE ZONING CLASSIFICATION OF A PARCEL(S) AND OR AREA OF LAND:

Amendments to this Code may be adopted whereby the zoning classification of a parcel(s) and/or area of land is changed only if all of the following conditions exist:

- A. The parcel(s) and/or area of land in question abuts an existing zone having the zoning classification desired; and
- B. The request is consistent with and in furtherance of the stated intent and purposes of the this Code and with the Master Plan; and
- C. The request is consistent and compatible with the community character and surrounding land uses within the area for which the request is being proposed; and the request would not have a material adverse effect on the surrounding area; and
- D. The request will not result, unless mitigated, in demands on public facilities and services that strain or exceed the capacity of such facilities and services, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, fire districts and emergency medical services; and
- E. The proposed or planned use of the parcel to be rezoned is feasible and not disallowed under this Code. In order to aid its consideration of this criteria, the County may require that the applicant make a disclosure of the proposed or planned use of the parcel(s) and/or area of land to be rezoned, including, where necessary, preparation and provision of a PUD preliminary/final plat and plan.

14.5 CODE AMENDMENTS OTHER THAN TO CHANGE ZONING:

- A. Any amendment to this Code may be initiated by the County, by private citizens or by a private or public entity. A written request for amendment shall be submitted to the Planning Commission through the Land Use Administrator, along with any required processing fee as may be set by the BOCC. Any proposed Land Use Code amendments shall be drafted in a form consistent with the organizational format and style of this Code.
- B. After receipt of a properly drafted written request for amendment to this Code, the Planning Commission shall set a public hearing date and shall publish notice of said hearing at the expense of the petitioner in a newspaper of general circulation at least fifteen (15) days prior to the hearing date.
- C. After the public hearing, the Planning Commission shall, as soon as reasonable and practicable, submit a report and recommendation on the proposed amendment to the BOCC.

- D.** The BOCC shall set a public hearing date on the proposed Code amendment and shall publish notice of the hearing at the expense of the applicant in a newspaper of general circulation at least fifteen (15) days prior to the hearing date. After the public hearing before the BOCC, the Board shall, as soon as reasonable and practicable, make its decision on the proposed amendment as prescribed by law for the consideration of passage of any resolution of the County.