

# Zone Change

## Facts to Know



### RELATED FACTS TO KNOW:

Pre-Application Meeting, Neighborhood Meeting, Annexation, Development Plan, and Land Use Plan Amendments.

### INTRODUCTION:

Zoning controls the use of land and the buildings thereon. If a proposed use of land or building development does not comply with the current zoning for that parcel, then a rezoning or Zone Change is required. A rezoning or Zone Change is any change in the city's official zoning map. A Zone Change includes annexation zoning, zoning amendments, zoning condition review, and zoning condition amendments. Sometimes a rezoning request also entails a Land Use Plan Amendment, when the proposed Zone Change does not match the Comprehensive Plan.

### GENERAL TIMEFRAME:

- The length of time to process a Zone Change may vary depending on the complexity of the request, or if there are unique circumstances. However, Zone Changes generally can be processed in the following timeframe:
  - ➔ Typical Zone Changes: **8 to 12 months**
  - ➔ Large-Scale PUD Zone Changes: **May take much longer, depending on the complexity of the project.**
- In order to maximize or efficiently process an application, **it is in the applicant's best interest to ensure that a complete and thorough application has been submitted** and that any subsequent submittals adequately address all comments that were provided.
- No building permit may be submitted for review until all development review applications have been approved.**

### GENERAL NOTES:

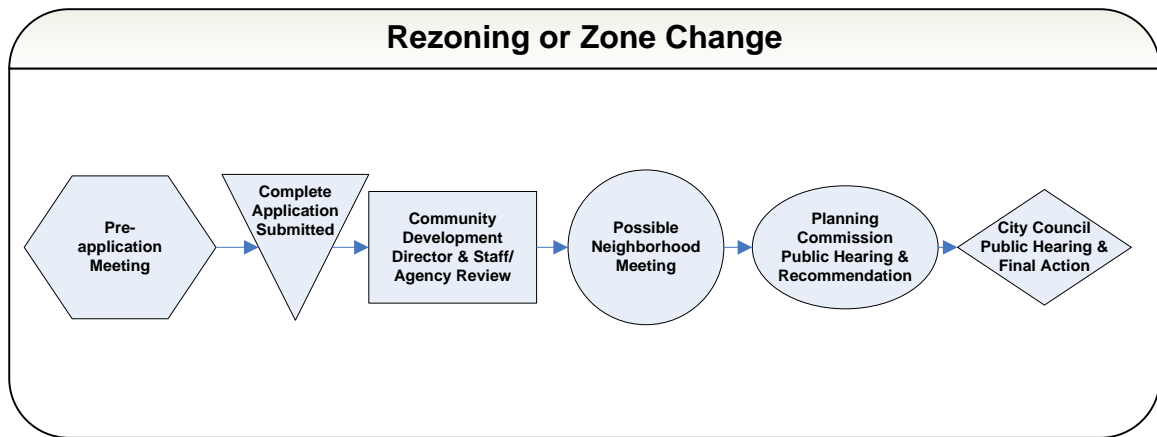
Prior to submitting a Zone Change application for review, a pre-application meeting with staff should be scheduled to discuss the application and any additional requirements.

- A Zone Change may be initiated by the city or by the owner of the property that is the subject of the Zone Change request.
- Development Plan Required.** Unless initiated by the city or determined unnecessary by the director, every application for Zone Change shall be accompanied by a development plan, except for the following:
  - ➔ A request to rezone to an R-1 or R-2 zoning district; or
  - ➔ A request to rezone to an AG district used only for residential activities and accessory agricultural uses.

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- ❑ Occasionally, the city may require a neighborhood meeting when it appears that an application may have impacts to the surrounding area.
- ❑ The city is authorized to impose on a Zone Change approval any condition(s) that are necessary in order to carry out the general purpose and intent of the Land Development Code (LDC) or Comprehensive Plan.
- ❑ Zone changes, if granted, *run with the land* and are in effect for the life of the property, regardless of ownership, unlike Conditional Use Permits or Uses-by-Permit, which are granted to the applicant only.

## ZONE CHANGE REVIEW FLOWCHART:



## REVIEW PROCESS:

- ❑ A request for a Zone Change usually is initiated by the property owner or a qualified representative, subsequent to a Pre-Application Meeting with staff.
- ❑ A complete application is submitted for city review.
  - ➔ At the time of submittal, staff will determine if the application is complete (**incomplete applications will not be accepted and will be returned without review**).
  - ➔ The city will refer the application to various departments within the city and to outside organizations for review and comment.
  - ➔ After a review period of approximately three weeks, the case will be discussed at the internal Development Review Team (DRT) meeting. After the DRT meeting, the applicant will receive a comment letter that identifies necessary revisions and questions to be answered.
  - ➔ The applicant will address the comments and resubmit revisions to the city for an additional review cycle of approximately four to six weeks. This process will continue until all comments are resolved and the application is ready to be scheduled for the public hearing process (generally, an application needs to be ready for public hearing prior to being heard by the Planning Commission).

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- ❑ Once an application is ready for public hearing, the property will be posted with a sign for a period of 7 to 10 days, a public hearing notice will be placed in the newspaper, and neighbors will be notified in writing of the request. This process will occur for both Planning Commission and City Council hearings.
- ❑ A Zone Change application is required to have two public hearings. The first public hearing will take place before the Planning Commission, who will make a recommendation to the City Council as to whether to approve, approve with conditions, or deny the application. The ultimate approval or denial of a Zone Change application is determined by the City Council at a public hearing the month following the Planning Commission hearing. If approved, one additional City Council meeting is required for a second reading of the ordinance.
  - ➔ The Planning Commission meets on the 1st Tuesday of every month in the City Council Chambers located at 7887 East 60th Avenue. Meetings begin at 6 p.m.
  - ➔ The City Council considers land use cases on the 3rd Monday of every month in the City Council Chambers located at 7887 East 60th Avenue. Meetings begin at 6 p.m.

## ZONE CHANGE APPROVAL CRITERIA:

1. The Zone Change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district; or
2. The Zone Change meets all of the following:
  - A. The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;
  - B. The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;
  - C. The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage;
  - D. The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;
  - E. There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and
  - F. The area for which Zone Change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.

## SUBMITTAL REQUIREMENTS FOR A ZONE CHANGE:

Please note that incomplete submittals will not be accepted for review. Any inaccurate or incomplete information provided by the applicant may cause the application to be returned to the applicant and/or delay review cycles which may impact the case completion time frame. Please visit [c3gov.com/etrakit](https://c3gov.com/etrakit) for complete information for submitting for this application type. The following items will need to be included in your submittal package.

- Property Owner Authorization and applicable non-refundable fee.
- General warranty deed, with a complete legal description (often times in the form of Exhibit “A,” attached to the warranty deed) for the property or properties for which the application is made.
- Certified boundary survey for the property or properties for which application is made (if required by city staff).
- Description of the proposed Zone Change and development in a written narrative that explains the proposal and intentions of the applicant. The narrative shall be written clearly and accurately to avoid any misunderstanding, and it must address the following criteria:
  - ➔ Consistency of the proposed Zone Change with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;
  - ➔ Compatibility of the proposed Zone Change with surrounding land uses and the natural environment;
  - ➔ The impact of the proposed Zone Change on providing efficient and adequate provision of public services, including, but not limited to, water, sewerage, streets, and drainage;
  - ➔ The impact of the proposed Zone Change on efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;
  - ➔ The community’s need for the zoning district in the proposed location and the need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and
  - ➔ The area for which the Zone Change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.
- Severed Minerals Rights Facts-to-Know, if applicable (properties north of East 88<sup>th</sup> Avenue are applicable).
- In conjunction with a Zone Change request, a development plan application or site plan also is required. The specifics of this application, including number of copies, may be found in the Development Plan Facts-to-Know.
- City staff may require additional information or technical studies such as drainage studies, construction plans, address plats, and development agreements. To assure that the application is complete, please check with city staff prior to application submittal.

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- Additionally, the Planning Commission or City Council may request from the applicant additional information or technical studies such as traffic studies, drainage studies, etc.

**Upon request, staff will provide examples of previously approved Zone Change applications to illustrate the quality and type of submittals that are expected.**