

# ZONING OR REZONING

Community Development Department  
8101 Ralston Road  
Arvada, Colorado 80002

## INITIAL ZONING OR REZONING

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The City of Arvada is divided into zone districts that regulate the use of properties. When an unincorporated property is annexed into the City, an initial zoning will be required. If a property owner or developer wishes to develop the property for something not allowed under its current zoning district, a rezone is required.

The following procedures have been developed to assist those persons who desire a zone change consistent with the goals, policies and objectives of the Comprehensive Plan and the Land Development Code. The outline is not to be construed as containing all the requirements of the law for initial zoning or rezoning requests. Compliance with all legal requirements is the applicant's responsibility, not the responsibility of the City of Arvada.

### **Step 1 – Application**

The first step is to obtain an application form from the Community Development Department. Forms are also provided at the pre-application conference. You are required to schedule and attend a pre-application conference prior to filing a rezoning application. It is important that an application be completely filled out and accompanied with the required attachments. Incomplete or partial applications will delay the processing of your application. If you have any questions concerning the application, please contact the Community Development Department.

### **Step 2 – Neighborhood Meeting**

Prior to a submittal of your application, you are required to schedule a neighborhood meeting to notify the neighbors of your intention. If possible, the meeting should be held within the vicinity of the proposed development. Written notification should be sent out at least 12 days before the meeting date. The applicant is given the opportunity to explain how the development will meet the intent of the Comprehensive Plan, the standards of the Land Development Code, and City regulations. It is also an opportunity to receive input from the adjacent property owners and residents of the community about the applicant's proposed development at an early time in the review process so that revisions may be incorporated into the plan prior to a review by the City.

Typically, notice shall be given to all property owners that share a boundary with the site property line, or that are located directly across a street, alley, public right of way or water way. Nearby Home Owners Associations shall also be notified. Since each proposed development and existing, surround neighborhoods are different, it is appropriate to discuss with the Community Development

Department as to whether to expand or reduce the notification area based on the complexity of the project, the potential impacts or other issues.

### **Step 3 – Legal Description**

You are required to have the legal description checked by the Engineering Department prior to submittal. Any necessary corrections are the applicant's responsibility and may delay the scheduling of the public hearing. Therefore, the legal description should be presubmitted one week before the submittal date to allow time for any changes that may be required.

Rezoning boundaries shall go to the former zoning boundary, or if a new boundary is established it shall be at the street centerline.

Due to the legal requirements concerning the advertisement and posting of property, and the review each application receives, a complete copy of the application, the engineering approved legal description, must be filed with the Community Development for the submittal schedule.) The application fee must be paid when application is submitted.

### **Step 4 – Staff Review**

Staff review of the application will be made and a hearing before the Planning Commission will be scheduled. Should the applicant desire to amend the original request at any time after official filing the applicant should prepare and submit a new application form reflecting the new request and relevant information. An amended property map and legal description must accompany the application.

### **Step 5 – Written Notification and Property Posting for Planning Commission Public Hearing**

The applicant is responsible for the written notification and the posting and maintenance of the sign prior to the public hearing. The applicant is responsible for preparing the written notice, and for mailing the notice at the Applicant's expense. All written notice will be mailed at least twelve (12) days prior to the public hearing. Notices shall be prepared in accordance to the written notice form provided by the City. Notice will be mailed to all owners of property that share a boundary with the property that is subject of the application, or that are located directly across a street, alley, or public right-of-way. Written notice will also be mailed out to any Home Owners Association and other Neighborhood Associations with a known interest to the property, or to others who have requested to be notified.

The City will provide the posting notice to the applicant. The notice must be posted on the subject property, at least 15 days prior to the public hearing. The applicant shall be responsible for checking the posted signs each day of the posting period and for keeping a log. If a sign has been removed, destroyed, or

has fallen, the sign shall be replaced by the applicant within 48 hours or by the close of the next business day, whichever period is longer.

### **Step 6 – Planning Commission Public Hearing**

The Planning Commission public hearings are scheduled to provide time for the applicant to present evidence supporting the change requested. Time will also be allowed for others to speak, either in favor of or in opposition to the request. Attendance by the applicant or a duly authorized representative at this meeting is mandatory.

Please refer to the “Public Hearing Testimony” handout outlining the information that must be presented to the Planning Commission. This document should be ready carefully. You must provide sufficient information on your requested zoning change at the public hearing. Failure to do so may result in continuance or denial.

### **Step 7 – Written Notification and Property Posting for City Council Public Hearing**

As discussed in Step 5, notification and posting of the sign on the property must be at least 12 days prior (for written notice) and 15 days prior to posting, to the public hearing date at City Council.

### **Step 8 – City Council Public Hearing**

The City Council will generally entertain the application two weeks later at a scheduled meeting. At this time, the applicants and City Attorney will request the rezoning ordinance be introduced, read and ordered published and a public hearing date be set. Two weeks or more after the first Council meeting, a public hearing is again held. At this meeting, the applicant will be given an opportunity to speak regarding the request, and additional time will be made available for others to speak for or against the request. After closing the public hearing, the City Council vote will determine the results of your application.

If there is an annexation, ODP, or PDP accompanying the zoning request, the public hearing on these items will be held at the same time as the rezoning hearing for both the Planning Commission hearing and City Council hearing.

### **CONCEPT PLAN REQUIRED**

The following types of rezoning applications must be accompanied by a Concept Plan unless the Community Development Director waives this requirement:

- a request to rezone from a residential zoning district to a non-residential zone;
- to rezone from a non-residential district to a residential zone; and
- to rezone an area that is larger than one acre in size.

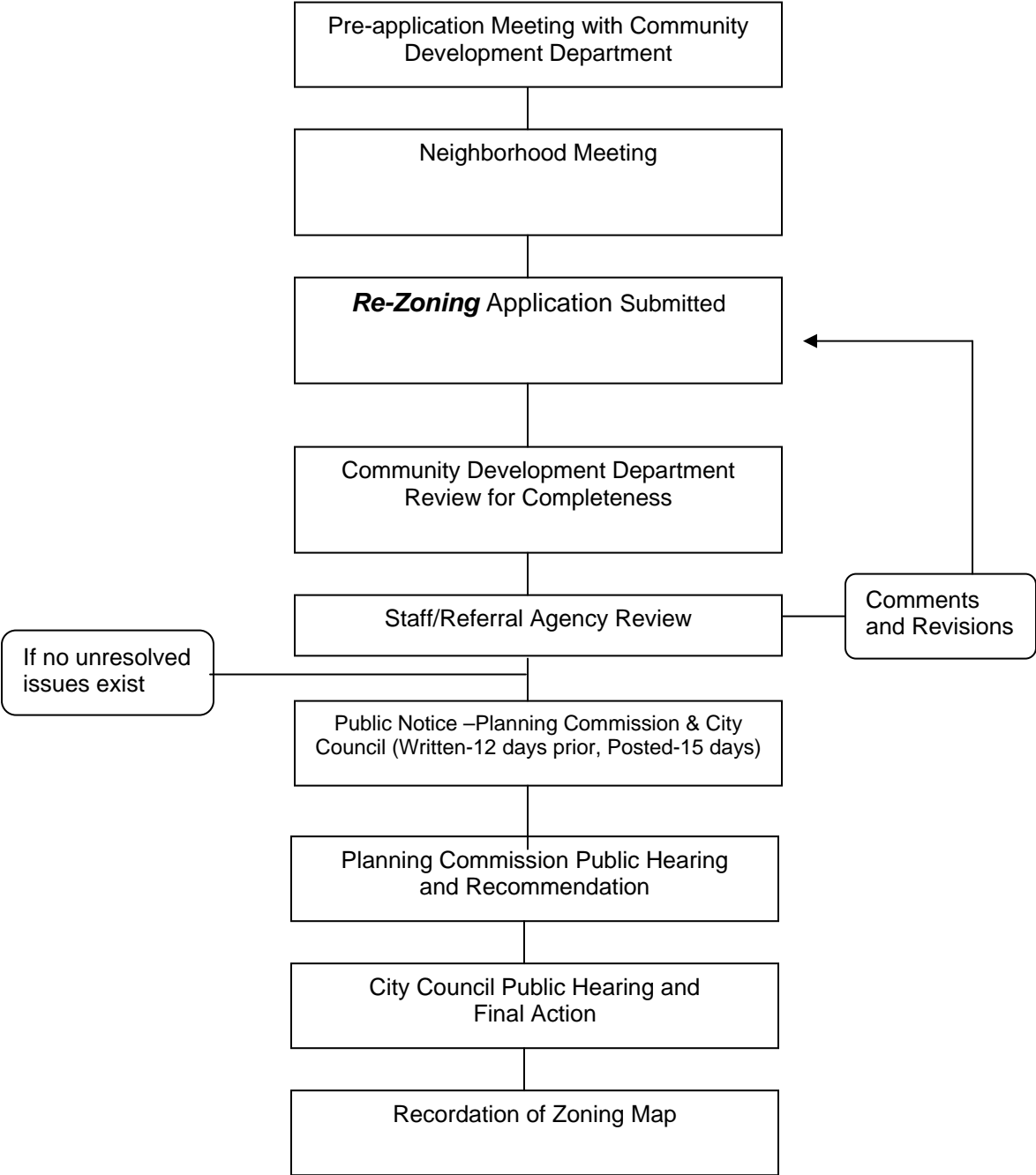
At a minimum, the concept plan shall include the following information:

1. Uses proposed and their location;
2. Intensity or density of uses proposed;
3. Location of public and private open space;
4. Location of existing and proposed buildings on the site;
5. Existing and proposed road, street and pedestrian networks; and
6. Existing or proposed utilities and public services for the development;
7. A statement that if such concept plan lapses within two years from the date of approval of the Rezoning and concept plan and that construction is c completed within three years from the date of approval, then specification listed in items 1-6 above shall revert to those that applied to the property prior to the approval of the rezoning.

Note: A listing of the applicable sections of the Land Development Code is provided for your review; please refer to these sections for more details: *Section 3.6 Zoning, Section 3.1.6 Neighborhood Meetings, Section 3.3 General Notice & Public Hearing Requirements and Article 4 Zoning Districts.*

# ZONING

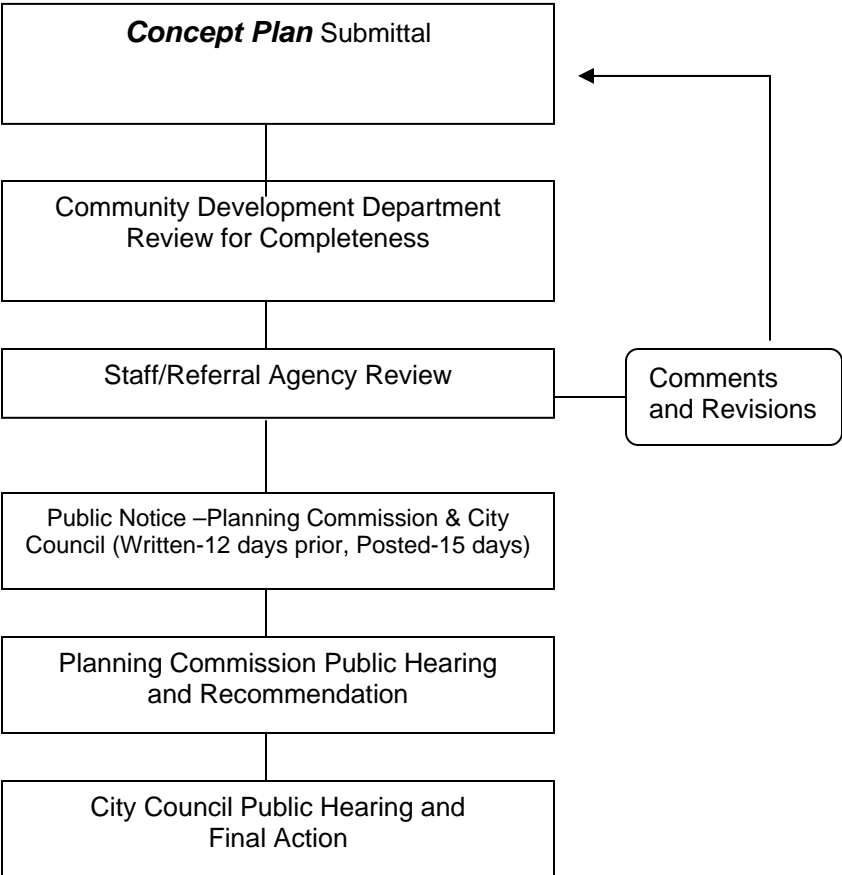
## Initial & Rezoning



# CONCEPT PLAN REQUIREMENT

To rezone from a residential district to a non-residential and from non-residential to residential.

To rezone an area that is larger than 1 acre is size



# CITY OF ARVADA RE-ZONE APPLICATION CHECKLIST

The checklist below is intended to summarize the requirements of Article 3 of the Land Development Code. Please refer to the Code for specific details. Please note that the City's referral policy requires you to provide us with **pre-packaged referral packets** as part of your submittal. Prior to officially submitting an application, the Project Planner assigned will prepare a checklist identifying what information is to be provided to each agency. All required materials must be included along with a complete application form in order for an application to be processed.

## **Application Items:**

- A. Application Form and Processing Fees
- B. Legal Description, Current Proof of Ownership, Title Commitment and Covenants.
- C. Statement of consistency with City's Comprehensive Plan being achieved by the zoning of the property to the zoning district being proposed by the applicant.
- D. Project Narrative – include a description of the zoning classification being requested and any conditions requested for that zone district.
- E. Statistical Fact Sheet
- F. Water Rights Questionnaire
- G. Adjacent Property Owner List
- H. Zoning/Concept Plan Map
- I. Legal description on disk (Word 6.0)
- J. Reports and Studies – For further detail and clarification refer to the City Land Development Code. (Note: Additional studies may also be required.)

### **Review Process Information**

- A. A Neighborhood Meeting will be required before submittal of a formal Application is made unless waived by the Community Development Director. You must coordinate the scheduling of this meeting with the Community Development Department. Written notice for the neighborhood meeting must be given **12 days** before the meeting date.
- B. Revised submittals after initial review. Depending on the nature of the proposed project, one or more sets of revised plans may be required during the review period.
- C. Public Notice Items (Required written notice at least 12 days prior to and posted notice at least 15 days prior to the Planning Commission and City Council). At public hearing, please provide materials board, color land plans and any other presentation materials you may wish to present.