



# REZONING User's Guide

NOTE: FOR DETAILED PROCEDURES,  
REFER TO CHAPTER 7 OF THE  
UNIFIED DEVELOPMENT CODE

**Town of Erie  
Planning & Development – Planning Division  
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Click on Departments>Planning & Development>Planning Division>User's Guides>Rezoning

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## Purpose

The boundaries of any zone district may be changed, or the zone classification of any parcel of land may be changed, pursuant to the Municipal Code, Title 10 Unified Development Code. The purpose is to make adjustments to the official zoning map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the Town. Rezoning shall not be used to relieve particular hardships, or to convey special privileges on any person or organization. In addition, Rezoning shall not be used as a way to legitimize nonconforming uses or structures, and should not be used when a special review use, variance, or minor modification could be used to achieve the same result.

## Process Summary

The following is a brief summary of the typical Rezoning process. Detailed step by step instructions may be found in Chapter 7, *Review and Approval Procedures* of Title 10 of the Municipal Code.

\*Typical Time Shown, Actual Time Up to Applicant

### **Pre-Application Conference w/Town Staff:**

An Applicant is required to schedule a pre-application conference with Planning & Development before making a formal rezoning application submittal. The pre-application conference provides an opportunity for an informal evaluation of the Applicant's proposal by Staff to discuss with the Applicant the application process, submittal requirements, and applicable standards in the Municipal Code.

The Applicant is responsible for bringing to the meeting a description of the character, location and magnitude of the proposed development that is supported by documents such as maps, drawings or models. The Applicant is also responsible for providing a summary of the meeting when the formal application materials are submitted to the Town.

The informal evaluation by the Town at the conference are not binding upon the applicant or the Town, but are intended to serve as a guide to the applicant in making the application. After a pre-application conference has been held, a complete formal application must be submitted within six months. If an application is not submitted within six months, a new pre-application conference will be required.

### **Optional Planning Commission Conference:**

At the Applicant's request, Planning & Development will schedule at the next available Planning Commission meeting an application conference with the Planning Commission, which shall be in addition to the required pre-application conference. The pre-application conference provides an opportunity for an informal evaluation of the Applicant's proposal by the Planning Commission. Noticing of the Planning Commission Conference is not required.

The applicant is required to submit one paper copy and one PDF file of the Applicant's presentation materials to Planning & Development 16 days before the scheduled Planning Commission meeting. The presentation materials should contain at a minimum a written description of the character, location and magnitude of the proposed development that is supported by documents such as maps, drawings or models.

The Planning Commission conference will be conducted by the Town of Erie Planning Commission. The order of the proceedings at the conference shall be as follows:

1. The Planning Commission shall announce the agenda item to be heard.

2. The Project Planner will present a brief summary of the property location and current zoning.
3. The Applicant will present any relevant information the Applicant deems appropriate for the hearing.
4. The Planning Commission may ask questions of the Applicant and Staff.
5. The Planning Commission will make comments on the Applicant's proposal for development. No decision or consensus is made at the Planning Commission conference and the comments made are not binding upon the applicant or the Town, but are intended to serve as a guide to the applicant in making the application.

**Development Application Submittal:**

The applicant shall submit to Planning & Development one copy of the application submittal packet that includes a completed application form, fees and support documents as specified in the **Submittal Requirements** section below.

**Determination of Application Completeness:**

The assigned Project Planner will review the application submittal packet for completeness. The Project Planner will determine whether an application submittal packet is complete and can continue forward to **Applicant Submits Referral Packets** or is not complete and moves back in the process to **Application Returned to Applicant**.

**Application Returned to Applicant - "Not Complete":**

An application submittal packet that is not complete in terms of submitting the documents required or adequacy of the information provided or fees required will not be accepted by the Town for further review. The Project Planner will return the application submittal packet to the Applicant, so the Applicant can address the elements of the application submittal packet that are not complete. Once the Project Planner's review for completeness items are addressed, the Applicant resubmits the application submittal materials as described in **Development Application Submittal**.

**Applicant Submits Referral Packets - "Complete":**

An application submittal packet that is deemed to be complete by the Project Planner will continue on into the review process. The first step of the application review process is for the Applicant to submit to Planning & Development copies of the application submittal packet for review by Town staff, Town consultants and outside referral agencies. The Project Planner will give the Applicant a list of the referral agencies in which to make referral packets for. Referral packets shall be submitted in unsealed Tyvek envelopes, addressed to the referral agencies identified by the Project Planner, containing all submittal information properly folded and compiled.

**Referral Packets Distributed:**

Once Planning & Development has received the referral packets from the Applicant, Planning & Development will distribute the referral packets to the appropriate Town staff, Town consultants and outside referral agencies.

**Referral Agency Review:**

Referral agencies will have approximately three weeks to review the application submittal packets. Referral agency written comments will be due to Planning & Development before the **Development Review Team Meeting (DRT)** is held so that any issues a referral agency may have can be discussed at the DRT meeting. The Project Planner will collect and coordinate all referral comments. The applicant is required to pay fees assessed by referral agencies for their review.

**Notice/Conduct Neighborhood Meeting:**

The Applicant is required to conduct a neighborhood meeting to provide an informal opportunity to inform residents and landowners surrounding the application area about the details of the proposed application. The applicant should engage the public to comment on the proposal during the meeting. The neighborhood meeting should be held after the Project Planner determines the application is complete and before the Town holds the **Development Review Team Meeting (DRT)**. The Applicant is required to submit a written summary of the neighborhood meeting to the Project Planner before the **Development Review Team Meeting (DRT)**.

The applicant is required to mail notice of the neighborhood meeting to landowners within 500 feet of the application area and to post the property. The letters must be sent and the property must be posted at least 15 days before the meeting is held.

The Applicant is responsible for providing the list of property owners within 500 feet, for mailing the letters and for composing the letter to include all of the required notice content identified in Municipal Code Title 10 Section 7.2 F.1. that includes:

1. Identify the date, time, and place of the meeting.
2. Describe the property involved in the application by street address or by legal description and nearest cross street.
3. Describe the nature, scope, and purpose of the meeting.
4. Indicate that interested parties can come to the meeting and speak on the matter.
5. Indicate where additional information on the matter can be obtained.

The Town will provide the signs to be posted on the property. The applicant is responsible for filling out the signs, posting the signs, checking on the signs to make sure they remain in place, and to remove the signs within two days after the meeting. Before the Planning Commission public hearing the applicant shall submit to Planning & Development a notarized affidavit, on the Town form, stating that the notice was posted and maintained.

**Development Review Team Meeting (DRT):**

The Project Planner will schedule a Development Review Team Meeting (DRT) after the referral agency review period is over. At the DRT meeting the Project Planner discusses the review comments from all review agencies and discusses the neighborhood meeting comments with the DRT attendees. The DRT meeting typically includes Planning & Development, Public Works staff, the Building Official, Town

consultants, and the Fire Marshall. The DRT Meeting does not include the Applicant. If the applicant would like to explain the application to the Project Planner before the DRT meeting they should contact the Project Planner to set up a separate meeting before the DRT meeting is held. After the DRT meeting, the Project Planner will compile all of the staff and referral comments for distribution to the applicant.

**Applicant Receives DRT/Referral Comments:**

The Project Planner will provide the Applicant with a copy of all the staff and referral comments from the review of the application submittal packet. A meeting between staff and the applicant may be held to review the staff and referral comments. The applicant may also meet directly with the agency(ies) that have expressed concerns with the application. The Project Planner should be included in meeting or correspondence with referral agencies.

**Applicant Revisions Submitted/Resolution of Issues Complete:**

The Applicant shall address, in writing, all issues and deficiencies identified in the staff and referral comments. To continue the process in a timely fashion, the applicant must complete the requested revisions and resubmit the revised application submittal packet for a second review by the Project Manager and any applicable referral agencies as quickly as possible. If an Applicant fails to submit required information for a period of more than six months from the initial request, the applicant shall become void and the resubmittal of a new application and fees will be required.

The revised application submittal packet will be reviewed by Project Planner at a DRT meeting after any further referral agency comments are received on the revised application submittal packet. The Project Planner shall provide the Applicant with a copy of the staff and referral comments from the second review and will indicate whether or not the application has resolved all of the issues raised in the comments. If the issues have not been resolved then the application goes back to the **Applicant Submits Referral Packets** portion of the process for another round of reviews. Additional fees may be charged for resubmittals that do not address comments. If the issues have been resolved then the application goes forward to the **Schedule/Notice Public Hearing for PC and BOT** portion of the process.

**Schedule/Notice Public Hearing for PC and BOT:**

The Project Planner shall notify the Applicant when the application is ready for public hearing with the Planning Commission and Board of Trustees (BOT). The Project Planner will schedule the first available Planning Commission hearing date based on public hearing notification requirements and room on the PC agenda. The Board of Trustees public hearing dates will be scheduled by the Project Planner for the first available hearing date that is a minimum of 20 days after the PC hearing. The BOT hearing is held to review the application and is necessary because the BOT adopts their findings and decision on the application by ordinance.

Both the PC and BOT public hearings require public hearing notification in the form of notice published in the newspaper, notice mailed, and notice posted on the property by sign. Full detail of the notice process can be found in Municipal Code Title 10 Unified Development Code Section 7.2 F.

Planning & Development shall have the public notice published in the newspaper at least 15 days before the public hearing. The Applicant is responsible for providing the correct legal description of the property to the Town before the notice is sent to the newspaper for publication.

The Applicant shall provide Planning & Development with a current (prepared within 30 days of the scheduled public hearing) list of property owners within 500 feet of the application property area and any associated homeowners associations. Additionally, the Applicant shall provide a stamped and addressed envelopes for each entity identified on the list for each public hearing. Planning & Development shall mail the public notice at least 15 days prior to the public hearing.

Planning & Development shall provide the Applicant with signs to be posted on the property for public hearing notice. The applicant is responsible for posting the signs at least 15 days before the public hearing, checking on the signs to make sure they remain in place, and to remove the signs within two

days after the meeting. Before the public hearing the applicant shall submit to Planning & Development a notarized affidavit, on the Town form, stating that the notice was posted and maintained.

#### **Planning Commission (PC) Public Hearing:**

The Applicant is required to submit all required public hearing documents at least 3 weeks before the public hearing so that the Project Planner has adequate time to write the staff report and draft resolutions for the Planning Commission. The Project Planner shall identify the items the Applicant is to include in the public hearing documents. The public hearing documents shall be submitted as one paper copy for public review and a full copy of the public hearing documents in a PDF format for the Planning Commission review. The staff report and draft resolution shall be forwarded to the Applicant by the Project Planner when the PC agenda packets are sent to the Planning Commission for review. A copy of all public hearing documents are available in Planning & Development for public review at this time as well.

The public hearing will be conducted by the Town of Erie Planning Commission. The order of the proceedings at the public hearing shall be as follows:

6. The Planning Commission shall open the public hearing.
7. The Project Planner will present the staff report and draft resolution.
8. The Applicant will present any relevant information the Applicant deems appropriate for the hearing.
9. Public testimony is heard by the Planning Commission.
10. The Planning Commission will ask questions of the Applicant and Staff, and for clarification on any issues raised during public testimony.
11. The Planning Commission will close the public hearing.
12. The Planning Commission will make a recommendation to the Board of Trustees on the application by resolution. The recommendation will recommend either approval, approval with conditions, or denial of the application, based on the approval criteria listed below.

#### **Board of Trustees (BOT) Public Hearing:**

If the Planning Commission requires any changes to the application, the Applicant shall submit all revised public hearing documents at least 13 days before the public hearing so that the Project Planner has adequate time to write the staff report and draft ordinance for the Board of Trustees. The revised public hearing documents shall be submitted as one paper copy for public review and a full copy of the public hearing documents in a PDF format for the Board of Trustees review. The staff report and draft ordinance shall be forwarded to the Applicant by the Project Planner when the BOT agenda packets are sent to the Board of Trustees for review. A copy of all public hearing documents are available in Planning & Development for public review at this time as well.

The public hearing will be conducted by the Town of Board of Trustees. The order of the proceedings at the public hearing shall be as follows:

13. The Board of Trustees shall open the public hearing.
14. The Project Planner will present the staff report, draft ordinance and provide a brief overview of the application.
15. The Applicant will present any relevant information the Applicant deems appropriate for the hearing. The Applicant will also be available for any questions the Board of Trustees may have
16. Public testimony is heard by the Board of Trustees.
17. The Board of Trustees will ask questions of the Applicant and Staff before making their findings and final decision on the application.
18. The Board of Trustees will close the public hearing.
19. The Board of Trustees will make a final decision on the application by ordinance. The decision will be to approve, deny the application, based on the criteria listed below, or refer the proposed Rezoning back to the Planning Commission or to a committee of the Board of Trustees for further consideration. If the application is denied you move to **End of Process**. If the application is approved you move to **Record Documents**.

#### **End of Process:**

Following denial of a rezoning request, no new application for the same or substantially the same rezoning shall be accepted within one year of the date of denial.

**Record Documents:**

The Applicant shall submit to Planning & Development the approved Rezoning Mylar. The Town shall be responsible for sending the appropriate documents to the County Clerk for recordation. The Applicant shall be billed for the cost to record the documents.

**Approval Criteria**

The Board of Trustees may approve Rezonings, and the Planning Commission may recommend approval, if the Rezoning corrects a technical mistake or the Rezoning meets all of the following criteria:

1. The Rezoning will promote the public health, safety, and general welfare;
2. The Rezoning is consistent with the Town's Comprehensive Plan and the purposes of the Municipal Code;
3. Adequate facilities and services (including roads and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
4. The Rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
5. The Rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property; and
6. Future uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property.

## Submittal Requirements

One copy of the following information shall be submitted to Planning & Development – Planning Division, unless waived by the Planning & Development Director in order to perform a completeness review. All information shall be submitted in a three ring binder with dividers and all 24" x 36" exhibits shall be folded to fit into pockets within the binder. All 24" x 36" exhibits shall be reduced to 11" x 17" in size and included with the submission. **Applications will not be accepted for review unless all information is present.**

1. **Completed application.**
2. **Application fee**, see application for fees.
3. **Proof of ownership** that includes a warranty deed or current title insurance policy or title commitment issued no more than thirty days prior to the date of application, for all of the property within the request.
4. **A notarized letter of authorization** from the landowner(s) permitting a representative to process the application, when the landowner is not the applicant.
5. **Copies of any special agreements**, oil/gas surface use agreements, conveyances, restrictions, or covenants that will govern the use and/or maintenance of the site.
6. **Written narrative**, describing the proposed development which at a minimum provides the following information:
  - a. General project concept and purpose of the request;
  - b. Proposed development time-line;
  - c. How the proposal relates to the existing land-use of the subject property and the zoning and land-use of adjacent properties, including statements describing areas of compatibility and conflict and the mitigation measures utilized;
  - d. How the proposal complies with the Town's Comprehensive Plan and rezoning approval criteria;
  - e. A description regarding the status of mineral rights and the substance of any existing or proposed covenants, special conditions, grants of easements, or other restrictions applying to the proposed subdivision;
7. **Copy of an ALTA/ASCM Land Title Survey**, for the entire property of the proposal.
8. **Zoning Map** shall be prepared on 24" x 36" paper at a scale no greater than 1" = 200'. The zoning map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording in the office of the County Clerk and Recorder. The zoning map shall contain the following information:
  - a. A title block shall be placed at the top/center of the exhibits along the long dimension of each sheet, containing the name of the property and a general aliquot legal description with county, total acreage, and project file number;



*EXAMPLE: (Insert Subdivision Name, Aliquot Description, Proposed Acres/Lots/Tracts and Project Number. See example below)*

ERIE VALLEY ZONING MAP

A PORTION OF THE N ½ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6<sup>TH</sup>  
PRINCIPLE MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, COLORADO  
4 ACRES  
ZA \_\_\_-\_\_\_

- b. A block in the lower right hand corner shall include the following: the preparation date and revision date chronology; a north arrow designated as true north; a written and graphic scale; and if applicable, the number of the sheet and total number of sheets;
- c. For subdivided land, label all property lines with bearings, distance, curve data and lot/block numbers as shown on the final plat;
- d. For unsubdivided land, label all property lines with bearings, distance and curve data as shown on a certified boundary survey;
- e. For proposals requesting multiple zone districts, label all zone district boundary lines with bearing, distance and curve data;
- f. A scaled vicinity map that depicts the area around the proposal within a 1-mile radius;
- g. A written legal description for subdivided property or a written metes and bounds description of the site's boundary for unsubdivided property;
- h. A written legal description for each zone district indicated on the map;
- i. Depict existing subdivision lot lines or metes and bounds property lines and rights-of-way within 100' of the proposal. Said information for adjacent properties shall be screened back;
- j. Identify the land use and zone district information of all adjacent property. When an adjacent property is not within the Town's boundary, the respective jurisdictions' land use and zone district information shall be identified; and
- k. The following certificates:

**SURVEYOR'S CERTIFICATE**

I, \_\_\_\_\_ (*SURVEYOR'S NAME*), A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ZONING MAP TRULY AND CORRECTLY REPRESENTS THE ABOVE DESCRIBED LEGAL DESCRIPTIONS FOR EACH ZONE DISTRICT.

I ATTEST THE ABOVE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(*SIGNATURE*)  
(SURVEYOR'S NAME)

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR #

(SEAL)

**PLANNING COMMISSION CERTIFICATE**

THIS ZONING MAP WAS REVIEWED BY THE PLANNING COMMISSION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(SIGNATURE)  
CHAIRPERSON

\_\_\_\_\_  
DATE

**BOARD OF TRUSTEES APPROVAL CERTIFICATE**

THIS ZONING MAP IS TO BE KNOWN AS THE "\_\_\_\_\_  
ZONING MAP" AND IS APPROVED AND ACCEPTED BY ORDINANCE NO. \_\_\_\_\_, PASSED AND ADOPTED AT A MEETING OF THE BOARD OF TRUSTEES OF ERIE, COLORADO, HELD ON \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST \_\_\_\_\_  
TOWN CLERK

**CLERK & RECORDER CERTIFICATE**

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I HEREBY CERTIFY THAT THIS ZONING MAP WAS FILED IN MY OFFICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D. AND WAS RECORDED AT RECEPTION NUMBER \_\_\_\_\_.

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
COUNTY CLERK AND RECORDER

- 9. **Concept Plan** shall be prepared on 24" x 36" paper at a scale no greater than 1" = 200'. The Concept Plan shall show the general location of proposed streets, lots, tracts, parks, open space, trails, drainage facilities and existing and proposed oil/gas wells and their associated setbacks.
- 10. **Development Reports/Studies**: The following development reports and studies shall be prepared to adequately portray the physical characteristics of the property unless waived by the Planning & Development Director:
  - a. An Assessment of Impact Report, detailing the impact the proposed development may have on Town, County, Special District, and utility facilities and services, including but not limited too: water and wastewater; open space and recreation; law enforcement and fire protection; schools; and general utilities (electric, gas, telephone).
  - b. A Market Study or Economic Impact Study for office, commercial and industrial properties.
  - c. A Phase I Drainage Report and Plan prepared by a registered professional engineer showing the conceptual level and feasibility and design characteristics of the proposed development and drainage system.

- d. A Traffic Impact Study or narrative detailing the transportation network and establishing the availability and adequacy of the system consistent with the Town of Erie's *Comprehensive Plan* and *Transportation Plan*.
11. Any additional information or referral documents as required by the Planning & Development Director, in order to thoroughly review the impacts of the proposed development.