



ZONE CHANGES

(to a standard zone district)

WHAT IS A ZONE CHANGE?

All properties within the City of Wheat Ridge are zoned. Zoning regulates what land uses are allowed and establishes rules for how property can be developed (i.e., setbacks, height restrictions, etc.).

There are many different zone districts within the City including residential, commercial, industrial and planned development zoning.

All land within Jefferson County was zoned in 1944. In 1969 when the City of Wheat Ridge was incorporated, the zoning from the County was adopted for all properties that became a part of Wheat Ridge. The current zoning ordinance became law in the City of Wheat Ridge in 2001.

A zone change is the process of changing the current zone district to a different zone district. A property owner may choose to change the zoning to use the property differently from what the existing zoning allows (e.g., residential vs. commercial).

The standard zone change procedure described below applies to any application for private rezoning within or to any mixed use, industrial-employment, public facilities, or conservation district; as well as a rezoning within or to any residential or agricultural zone district for properties up to and including one (1) acre in size.

For a commercial zone change other than to mixed-use, an application must be for a planned development district. Additionally, a planned development is required for any rezoning within or to any industrial, residential, or agricultural zone district for properties over one (1) acre in size. Please refer to the planned development handouts or refer to Article III (planned development district regulations) of the City of Wheat Ridge zoning and development code.

THE ZONE CHANGE REVIEW PROCESS

Prior to application for a change of zone, the applicant will need to schedule a pre-application meeting. Staff has initiated this meeting as a means of reviewing the proposal and to provide input on the zone change process and requirements. There is a \$200 fee for the pre-application meeting.

After the pre-application meeting, but prior to application, the applicant will need to hold an informal neighborhood meeting. The purpose of the meeting is to provide the opportunity for citizens to become aware of the proposed development in their neighborhood, and to allow the developer to respond to citizen concerns regarding the proposed project. All residents and property owners within 600 feet will need to be notified of the meeting. It will be the responsibility of the applicant to

coordinate with staff and to notify area residents of the date, time, and location of the meeting. Staff provides the notification list. There is a \$100 fee for the neighborhood meeting.

A staff planner will attend the meeting to discuss City policy and regulations, and the process involved; however, the planner will remain impartial regarding viability of the project.

SUBMITTAL REQUIREMENTS

Once the neighborhood meeting is held, a formal application may be submitted. Please refer to the Zone Change Checklist for all submittal requirements; staff is unable to accept incomplete applications.

Applications must be submitted BY APPOINTMENT with a planner.

SUBMITTAL REVIEW

When the application is submitted, a staff planner will be assigned to handle the case. This person is the project manager for the case and will be the contact at the City throughout the entire zone change process.

The case manager will review the submittal application for content. If all submittal requirements have been met, the proposal will be referred to outside service agencies (Xcel Energy, water district, fire district, etc.) and other City agencies (Public Works, Economic Development, etc.) for their review and comment, generally for a period of 15 days. After all comments have been received, the case manager will forward those to the applicant. Modifications to the application may be required as a result of these comments.

PLANNING COMMISSION HEARING

Once all comments and requirements have been met, the zone change application can be scheduled for public hearing in front of Planning Commission. The Planning Commission is a body of appointed Wheat Ridge citizens that reviews various land use proposals and makes recommendations to City Council. Publication in the Wheat Ridge Transcript, notice to adjacent landowners within 300', and posting of the property with signs are required prior to the Planning Commission hearing. The City will coordinate the publication, will mail the notices of the hearing, and will provide the applicant with the posting signs. The notifications and postings must occur at least 15 days prior to the public hearing.

The case manager will prepare a staff report which will be presented at the Planning Commission public hearing. There is a specific set of criteria used to evaluate a requested zone change (Section 26-112.D. of the zoning and development code). A recommendation to Planning Commission will be made in the staff report based on these criteria. At the hearing, after the staff report is given, the applicant and members of the audience will be given a chance to give testimony regarding the application. Generally, a decision for recommendation will be made that same night. Sometimes a case will be continued to another hearing date for further study and input.

CITY COUNCIL HEARING

Regardless of the Planning Commission recommendation, the case is automatically scheduled for public hearing in front of City Council.

The zone change must be approved by ordinance by the City Council which requires two readings. The first reading of the ordinance is not a public hearing and no testimony is given regarding the case. The first reading date is solely for the purpose of publicly setting the public hearing date.

The second reading of the ordinance is a public hearing. The same requirements for adjacent landowner notification, publication and property posting will be followed for the second reading as for the Planning Commission public hearing. A staff report with recommendations will be presented at the public hearing. However, the ordinance approving the zone change does not go into effect until 15 days following the final publication of the ordinance.

Keep in mind that the public hearings are quasi-judicial in nature. Please do not contact Planning Commissioners or City Council representatives to discuss the merits of the case prior to the public hearing. It could jeopardize their ability to hear the case.

Depending on the nature of the zone change approval, subdivision and/or building permit applications may be required.

Please be aware that this information is only a general overview of the process and submittal requirements for zone changes. There may be additional requirements specific to each case, and the overall length of the process can vary greatly depending on the circumstances of the case. As each zone change request is different, the purpose of the aforementioned pre-application meeting is for staff to review conceptual plans and give the applicant more information specific to his or her proposal.

QUESTIONS?

Contact the Community Development Department at 303-235-2846.