

ARTICLE 17: PROCEDURE FOR INITIAL ZONING AND REZONING

17-17-1. GENERAL PROVISIONS.

- (1) The procedure for changing the boundaries or area of any zone district, or for changing the zoning classification of any parcel of land within the City of Lakewood, as shown on the official zoning map of the City of Lakewood, herein referred to as "rezoning," shall be as provided in this Article 17. In addition to the pre-application review, the applicant shall meet with residents and persons owning property in the vicinity of the site prior to filing a formal rezoning application in accordance with the Neighborhood Referral Program which is hereby established. The meeting shall take place pursuant to the Neighborhood Referral Program administrative guidelines which shall be adopted by resolution.
- (2) A rezoning may be initiated by:
 - a) The owner of any property;
 - b) Any person, firm, or corporation with the written consent of the owner of the property;
 - c) The Planning Commission ("City-initiated"); or
 - d) The City Manager of the City of Lakewood ("City-initiated").
- (3) The procedure for the initial zoning of property annexed or to be annexed to the City shall follow, to the extent practicable, the procedures applicable herein to rezonings. In such circumstances, the zoning procedures may be instituted at any time after a resolution of intent to annex is adopted Pursuant to C.R.S. 1973, 31-12-106, as amended, or after a petition for annexation or a petition for annexation election has been found to be valid in accordance with C.R.S. 1973, 31-12-107, as amended.
 - a) No ordinance initially zoning property annexed to the City shall be adopted on second reading prior to the date the annexation ordinance is adopted on second reading.
 - b) Property annexed to the City shall be initially zoned by the City within ninety (90) days after the effective date of the annexation ordinance.
 - c) For property which has been previously zoned PD or a comparable zoning in the jurisdiction from which it is being annexed, see Section 17-5-22.

17-17-2. PRE-APPLICATION REVIEW.

- (1)
 - a) Prior to filing an application to rezone any parcel of land, the applicant shall participate in a pre-application review with the Department of Community Planning and Development. No application for rezoning shall be accepted until after the pre-application review is

completed and written notification of the Department's conclusions is received by the applicant.

b) In addition to a pre-application review with the Department of Community Planning and Development, the City Engineer shall review the rezoning application to determine if public improvements may be necessitated as a result of the zoning or rezoning. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply.

1. The extent of existing and contemplated development of the surrounding area.
2. The need to ensure that the health, safety, and welfare of the public will be maintained.
3. Whether the zoning or rezoning may ultimately create a need for public improvements to serve the area.

If public improvements are necessary, the standards, criteria, timing and extent of public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply, except that all rights-of-way, easements, and access rights shall be required at the time of zoning or rezoning and other public improvements shall be constructed at a time designated by the City Engineer.

- (2) When an application is submitted by the Planning Commission, any member or groups of members of the Planning Commission may serve as the applicant.
- (3) At the time of the pre-application review, the applicant shall submit the following:
 - a) Plan of the general layout of the parcel. Plans submitted may be sketched on sheets eight and one-half (8 1/2) inches by eleven (11) inches in size or, at the option of the applicant, may be in final form.
 - b) Letter stating the proposed uses of the parcel, the approximate gross floor area of any intended buildings or structures, and the number and size of residential dwellings to be included, and the gross land area of the parcel, including public rights-of-way contained within the parcel.
- (4) Official minutes summarizing the pre-application review shall be kept and a copy of the minutes shall be provided to the applicant.
- (5) Within fourteen (14) days after the date of the pre-application review, the Department of Community Planning and Development shall notify the applicant in writing of its conclusions regarding the desired change with respect to the following items:

- a) Appropriateness of the change with respect to the policies set forth in the Comprehensive Plan.
 - b) Need, if any, to plat pursuant to the Subdivision Regulations.
 - c) Any required site plan considerations.
 - d) General concerns related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements.
- (6) After receiving the written conclusions of the pre-application review, but prior to filing a formal application, the applicant shall meet with residents and persons owning property in the vicinity of the site in accordance with the Neighborhood Referral Program. Notification for said meeting shall be as provided in Subsections 17-17-4(1)(b) and (c) of this Ordinance.

17-17-3. APPLICATION PROCEDURE.

- (1) An application for a rezoning shall be submitted on forms approved by the Director of Community Planning and Development. A rezoning application shall expire one (1) year after submittal, provided however, that the Director may extend the application for six (6) months for just cause
- (2) If the requested rezoning for the parcel is for a Planned Development District, the applicant also shall include with the application all information required by Section 17-5-22.
- (3) An application for a rezoning shall be accompanied by a Conceptual Site Plan.
 - a) The Conceptual Site Plan is intended to supply enough information about the development for the Director of Community Planning and Development to evaluate and for the Planning Commission and City Council to make a decision on the rezoning application. The information to be supplied will be determined by the Director of Community Planning and Development as part of the pre-application review, but should generally include:
 - 1. The site characteristics.
 - 2. The density and intensity.
 - 3. General circulation and location of building(s) and parking area(s).
 - 4. The amount of the site devoted to structure, open space and parking.
 - 5. Compatibility with surrounding land uses.
 - b) The Conceptual Site Plan shall be considered part of the rezoning application.

- c) The Conceptual Site Plan will be required as follows:
1. Applications for 3-R through 6-R, OF, 1-C through 5-C, and IN or PD zones shall be accompanied by a Conceptual Site Plan.
 2. Applications for R-R, R1A, 1-R, 2-R, and single-family homes in 3-R will not normally require a Conceptual Site Plan. However, if the application involves an area of significant natural features or constraints, or involves an infill situation with more than three (3) units, or other similar situations, the Director of Community Planning and Development may require such a plan.
- d) The Director of Community Planning and Development may waive or defer the requirement for the Conceptual Site Plan for: a) City-initiated rezonings, b) rezonings related to an annexation, and c) other situations for which the Director determines that the requirement for a Conceptual Site Plan at the time of rezoning is not in the best interest of the City. If the requirement for a site plan is deferred, the Planning Commission shall consider the Conceptual Plan at a subsequent public hearing prior to the issuance of building permits. The reasons for waiving or deferring the Conceptual Site Plan requirement shall be incorporated into staff recommendations to the Planning Commission on the rezoning request. The Planning Commission or City Council may require a Conceptual Site Plan even if it has been waived or deferred by the Director of Community Planning and Development.
- e) Decisions of the Director of Community Planning and Development may be appealed to the Planning Commission by the applicant.
- f) The Final Site Plan shall conform to the approved Conceptual Site Plan, or the Director of Community Planning and Development must determine that the changes are minor. Decisions of the Director of Community Planning and Development may be appealed to the Planning Commission. If the changes are substantial, a public hearing on the Final Site Plan will be held by the Planning Commission. The decision of the Planning Commission on a Final Site Plan is final.

Criteria to be used by the Director of Community Planning and Development in determining whether a change is substantial are as follows:

1. Whether or not the plan has the same character and same basic arrangement of buildings, parking and open space.
2. Whether or not the change adversely affects the surrounding area.
3. Whether or not the change constitutes more than a five (5) percent increase in gross floor area or the number of dwelling units.

4. Whether or not the change reduces the amount of usable open space, reduces the recreational amenities, or amount of landscaped area by more than five (5) percent or does not adversely affect natural features which were preserved with the Conceptual Site Plan.
 - g) If City regulations have changed since the approval of the Conceptual Site Plan and the submittal of the Final Site Plan; and if the regulations cannot be met on the Final Site Plan without major deviation from the approved Conceptual Site Plan, a public hearing before Planning Commission will be held on the Final Site Plan.
- (4) If an application proposes a rezoning to a zone district listed in Section 17-15-1, a Final Site Plan which complies with selected requirements of Article 15 may be required rather than a Conceptual Site Plan.
 - a) By the Director of Community Planning and Development, to be filed along with the application for rezoning;
 - b) By the Planning Commission, to be filed prior to completion of its fact-finding hearing on the application;
 - c) By the City Council, to be filed prior to completion of its hearing on the rezoning ordinance. If the City Council requires the Final Site Plan, the Council must remand consideration of the application to the Planning Commission for further proceedings prior to voting upon the rezoning ordinance on second reading.
 - d) No Final Site Plan may be required pursuant to Subsection (3) above unless the Director of Community Planning and Development, Planning Commission, or City Council determines that the Final Site Plan is essential to a determination that the proposed rezoning and method of development of the property will be compatible and consistent with the Comprehensive Plan.
- (5) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule adopted by Council Resolution. No fee shall be charged for a City-initiated rezoning.
- (6) The Department of Community Planning and Development shall study the application and shall make a written report of its findings within forty-five (45) days after acceptance of a complete application and at least two (2) days prior to the fact-finding hearing on the application. This report shall include a determination of the compatibility of the proposed rezoning with policies and standards contained in the Comprehensive Plan.

17-17-4. FACT-FINDING HEARING. For the purpose of reducing costs, reducing time required to grant or deny rezoning applications, and ensuring full protection of the applicant's rights as well as the interests of other property owners and residents, and except as otherwise specifically provided herein, the Planning Commission shall function as the City Council's fact-

finding hearing agency on all rezoning applications. Procedures to be followed by the Planning Commission are as follows:

- (1) The Secretary to the Planning Commission shall schedule a public hearing to be held not later than forty-five (45) days after all studies and plans submitted with the application have been approved by staff unless the hearing is continued by action of the Planning Commission. Notice of the hearing shall be provided as follows:
 - a) The Secretary shall give written notice of the date, time and place of the hearing, by first class mail, to the applicant.
 - b) It shall be the obligation of the applicant, unless otherwise waived by the City, to provide notice of the hearing to the following people or entities:
 - i. The fee owners of the subject property(ies). Notice to one fee owner shall be considered notice to all other owners of the property.
 - ii. The applicant.
 - iii. The fee owners of real property within 500 feet from the boundary of the subject property(ies).
 - iv. The registered representative of neighborhood homeowners organizations which qualify for notice by having registered with the Department annually during the month of January of each year and provided the Department with the name and address of a current representative and a current map, approved by the Department, which shows the boundaries of the area represented by the organization, if any boundary of the organization as shown on the map registered with the Department falls within 1,000 feet of the subject property(ies).

At least forty-five (45) days prior to the Planning Commission hearing, the applicant shall provide to the City a current assessment map(s) from the applicable county assessor's office showing the property or properties which are the subject of the hearing, as well as those properties subject to the notice requirements of this Subsection 17-17-4(1). Said assessment map(s) shall indicate the assessor's ID number(s) of the subject property(ies) and shall indicate the assessor's ID numbers of all surrounding property(ies) to a distance of 1,000 feet, as required by 17-17-4(1)(b)(iii) above.

Within ten (10) days of the applicant submitting the map, the City shall draw on the assessment map(s) a boundary encircling the property(ies) which is/are the subject of the hearing. This boundary will encircle all property as set forth in 17-17-4(1)(b) (iii) above.

The applicant shall retrieve the assessment map(s) from the City and, at least twenty (20) days prior to the Planning Commission hearing, shall provide to the Secretary to the Planning Commission lists of the names and addresses of:

- i) The fee owner(s) of the subject property(ies).
- ii) The applicant.
- iii) The fee owner(s) of the property, along with the property's assessor's ID number, of all property shown on the assessment map(s) within the delineation drawn by the City.

One list of the names and addresses to be notified of the Planning Commission hearing shall be submitted in the form of preprinted mailing labels, the size and format of which has been approved by the Secretary to the Planning Commission. A second list shall include the names and addresses of the parties to be notified, along with the corresponding address and assessor's ID number of the property subject to the notification provisions.

It is the responsibility of the applicant to obtain and submit the lists of the correct names and addresses of the people and entities listed in subparagraphs I. through III. above from the current records of the county assessor or clerk and recorder of the appropriate jurisdiction. Current records shall mean records existing no older than ninety (90) days prior to the date of the Planning Commission hearing. In addition, the applicant shall present evidence reasonably acceptable to the City, including, but not limited to, copies of deeds or documentation provided by a title insurance company or a real property search company, or a copy of a printout of all applicable assessor's ID numbers obtained from the county assessor's office.

The City shall supply to the applicant the list and information regarding the neighborhood associations to be notified. The applicant shall pay the cost of postage for mailing and preparation of notification letters.

- c) The City shall return the mailing labels to the applicant, along with mailing labels for all registered neighborhood associations and organizations subject to the notice provisions established in 17-17-4(1)(b) above. The City will also provide to the applicant a sufficient number of copies of a letter of notification, printed on City letterhead and City envelopes. At least fifteen (15) days prior to the date of the Planning Commission hearing, the applicant shall mail said notification letters using the envelopes provided by the City, via first class mail to all persons and entities listed on the mailing labels.
- d) The applicant shall erect upon the property, or aggregate of properties described within the application and to which the application applies, one or more signs containing notice of the public hearing which shall include the date, time and place the hearing will be held and the nature of the land use requested. Such signs shall be provided by the City, with the mounting boards and supports provided by the applicant, and shall be posted for a

period of at least fifteen (15) consecutive days prior to the date of such hearing. The applicant shall certify in writing to the Secretary of the Planning Commission prior to the public hearing that the signs were posted on the property in accordance with this paragraph.

- e) The Secretary shall cause notice of the hearing, including date, time and place, to be published in full in an official paper or paper of general circulation in the City at least six (6) days prior to the date of the hearing.
 - f) The applicant shall certify in writing to the Secretary to the Planning Commission, prior to the public hearing, that the lists submitted in accordance with (b) above were obtained from the most current records of the applicable county assessor, and that letters of notification were mailed in accordance with (c) above.
 - g) Failure of the applicant to provide the certification required in paragraphs (d) and (f) of this subsection shall cause the public hearing to be postponed at least fifteen (15) days and until the applicant provides the certification.
- (2) During the fact-finding hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission may, in its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
 - (3) The Planning Commission shall cause the hearing to be recorded by a reporter or by an electronic recording device. When required pursuant to Section 17-17-5, the Planning Commission shall cause the hearing proceedings, or any portion thereof, to be transcribed, the cost of the transcription to be paid by the person or entity requesting the transcription. If the City Council acquires a copy of the transcription of the proceedings, its copy of the transcription shall be made available to any person at reasonable times for inspection and study.
 - (4) Within sixteen (16) days after the hearing, the Planning Commission shall provide to the applicant its written findings and recommendations on the application. The written findings and recommendation shall include a statement of the Commission's findings and conclusions upon all relevant issues of fact or law raised by the application, and a recommendation for approval or denial thereof. A copy of the written findings and recommendations also shall be mailed to any other person who requested in writing a copy thereof.
 - (5) If the recommendation of the Planning Commission is to approve the rezoning, the Planning Commission shall transmit to the City Council a copy of its written findings and recommendation and a notice of the availability, at a location convenient to the Council, of the entire record of the application and hearing, including the application itself and any written evidence, exhibits, and other papers or matters considered by the Planning Commission. The applicant may request that such materials not be transmitted to the City

Council for a period of time not to exceed six (6) months from the date of the Planning Commission's written findings and recommendation, or the applicant may withdraw his application at any time.

- (6) If the recommendation of the Planning Commission is to deny the rezoning, the materials described in Subsection (5) shall be transmitted to the City Council only upon written request of the applicant filed with the Secretary to the Planning Commission not later than thirty (30) days after the public hearing at which the Planning Commission recommended the denial.
- (7) No substantial amendment to an application for a rezoning may be made after a decision on the rezoning has been made by the Planning Commission.

17-17-5. WRITTEN OBJECTIONS AND TRANSCRIPT OF HEARING.

- (1) After receipt by the City Council of the written findings and recommendations and notice described in Section 17-17-4(5), an ordinance embodying the proposed rezoning shall be placed on the agenda of a meeting of the City Council for first reading.
- (2) Any person who objects to a finding or the recommendation of the Planning Commission may file a written statement with the Secretary to the Planning Commission specifying in detail the finding or recommendation subject to objection, the reasons for the objection, and all parts of the transcript of the hearing proceedings before the Planning Commission relevant to such objection, and shall advance the cost of such transcription. A copy of the written objection shall also be served upon the applicant (if other than the objector), the Director, and any other person who requests in writing, a copy of the written objection. This objection must be filed with the Secretary to the Planning Commission at least ten (10) days prior to the public hearing before City Council.
- (3) Within five (5) days after receipt of a written objection, the staff of the Department of Community Planning and Development, the City Council, or any other interested person may file a designation of additional parts of the hearing proceedings which are to be transcribed.
- (4) No transcript shall be required in any case where the objector does not seek to amend or reverse a basic finding of fact set forth in the Commission's written findings of fact and recommendation, as distinguished from the recommendation of the Commission or its ultimate findings as to the matters set forth in Section 17-17-7.
- (5) If a transcript would otherwise be required pursuant to this Section, the applicant, objector (if different from the applicant), and Director of the Department of Community Planning and Development may approve a written summary of the relevant testimony and evidence presented at the Planning Commission hearing in place of the transcript.
- (6) The transcript or approved written summary shall be filed with the City Council at least three (3) days prior to its consideration of the rezoning ordinance on second reading. If no

transcript or approved written summary is provided to the Council as required herein, the Commission's basic findings of fact are conclusively presumed to be complete and accurate.

17-17-6. CITY COUNCIL HEARING AND DECISION.

- (1) Notice of the Council's consideration of the rezoning ordinance on second reading, and of the Council's consideration hearing thereon, shall be provided pursuant to the procedures set forth in Section 17-17-4(1) except that the City Clerk shall perform the responsibilities assigned therein to the Secretary to the Planning Commission. However, notwithstanding the provisions of Section 17-17-4(1)(e), the public hearing and consideration by the City Council of the rezoning ordinance shall not be less than ten (10) days from the date of publication in an official paper or paper of general circulation in the City.
- (2) The Council shall establish a period of time, prior to voting upon the rezoning ordinance on second reading, during which the applicant, any person filing a written objection, or any other interested person may comment and be heard upon the findings and recommendation of the Planning Commission. Upon consideration of the rezoning ordinance on second reading, the Council may consider only the record before the Planning Commission, the written findings and recommendation of the Planning Commission, any previously filed written objections to those findings and recommendation, and the comments related thereto made during the Council hearing. In addition, the City Council may, in its sole discretion, hear any other relevant written or oral statement regarding the findings and conclusions of the Planning Commission. No other materials or evidence shall be considered by the Council.
- (3) If it is shown that the written findings and recommendation of the Planning Commission contain a finding based on incorrect information, or if there is shown to be newly discovered information not available at the time of the Planning Commission's fact-finding hearing, and if the correct or newly discovered information could, in the opinion of the Council, change the recommendation of the Planning Commission, then the entire matter shall be referred by the City Council to the Planning Commission for its consideration. If there is shown to be a clerical mistake in the written findings or recommendation of the Planning Commission, the mistake may be corrected by Council action without referral to the Planning Commission.
- (4) After its hearing, the Council may:
 - a) Continue the matter by remanding consideration of the rezoning to the Planning Commission for further proceedings as the Council may direct; or
 - b) Revise the Commission's findings of fact only if such revision is supported by evidence in the record made before the Commission, and proceed to vote upon the rezoning ordinance; or
 - c) Adopt the Commission's findings of fact and proceed to vote upon the rezoning ordinance; or

- d) Table its decision to a specified date.
- (5) Final action by the City Council on the rezoning ordinance shall be taken within ninety (90) days after the date of the Council's hearing on the Ordinance, or within thirty (30) days after the date the Council receives the Ordinance after remand to the Planning Commission, whichever is later. Failure to take final action within such period shall be considered a final decision of the Council denying the rezoning. If the vote on any rezoning ordinance is tabled by the City Council pursuant to the provisions of City of Lakewood Municipal Code Section 1.20.030, an additional fourteen (14) days shall be added to the time limitation for each such tabling.
- (6) The City Clerk shall provide written notice to any person who has requested in writing to receive such notice, the results of the Council's final action adopting or rejecting the rezoning ordinance.
- (7) The fact-finding hearing on the rezoning application shall be conducted by the City Council itself, rather than by the Planning Commission, only when the formal application for rezoning is initiated by the Planning Commission. Where the City Council conducts the fact-finding hearing, the procedures for the conduct of the hearing, notice prior thereto, and written findings thereafter shall comply to the extent possible with Section 17-17-4. The hearing shall be held prior to the Council vote on the rezoning ordinance on second reading.

17-17-7. STANDARDS FOR ZONING AND REZONING.

- (1) To promote stability in zoning and appropriate development of property within the City, no application for rezoning of property shall be approved unless it is demonstrated:
 - a) That the proposed rezoning promotes the health, safety or welfare of the inhabitants of the City of Lakewood and the purposes of this Ordinance; and
 - b) The proposal as evidenced by the Conceptual Site Plan, is compatible with surrounding uses; or in the case of redevelopment that the proposal is an improvement to the area; and
 - c) The proposal as evidenced by the Conceptual Site Plan, enhances significant natural characteristics of the site by preservation or incorporating the features into the development's open space; and
 - d) The proposed as evidenced by the Conceptual Site Plan and/or Official Development Plan, shall comply with the Performance-Based Review Process contained in Article 7 of this Zoning Code; and
 - e) At least one of the following additional factors exist:
 - 1. The proposed rezoning is consistent with the goals of the Comprehensive Plan.

2. There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change; or
 3. The property to be rezoned was previously zoned in error.
- (2) The requirements of paragraph (b) of Subsection (1) shall not apply to the initial zoning of property annexed to the City or to rezonings which occur incidental to a comprehensive City-initiated revision of the City's Official Zoning District Maps.

17-17-8. COMPREHENSIVE CITY-INITIATED LEGISLATIVE REZONING AFFECTING A LARGE NUMBER OF PROPERTIES.

Notwithstanding any other provision of this Article 17, only the following procedures shall be required for comprehensive City-initiated legislative rezonings affecting a large number of properties and occurring subsequent to the effective date of this Ordinance:

- (1) The City Manager of the City of Lakewood, or his or her designee, may initiate a request for a legislative rezoning of property within the City upon a determination that:
 - a) The proposed rezoning affects a large number of properties and the proposed rezoning is not limited only to a specific individual or readily identifiable group of individuals; and,
 - b) It would be inefficient, cumbersome, and unduly burdensome on the resources of the City to rezone the potentially affected properties in a quasi-judicial manner on a site-by-site basis; and,
 - c) The rezoning is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level; and,
 - d) The proposed rezoning is intended to:
 - a. Implement specific goals or objectives of the City's Comprehensive Plan; and/or,
 - b. Rezone a large number of properties to a newly created zone district in a manner consistent with the goals or objectives of the City's Comprehensive Plan.
- (2) For purposes of this Section, a rezoning affecting fifty (50) or more individual parcels of property is presumed to affect a large number of properties.
- (3) The process for legislative rezoning shall involve public hearings before the Planning Commission and City Council, and shall follow the procedures as set forth in this subsection (3).

- a) Notice of the Planning Commission hearing and the subsequent City Council hearing shall include the date, time, and place of the hearing, together with a general statement of the nature of the rezoning, the general boundaries of the area affected, and a statement that the process shall be conducted as a legislative matter in accordance with this Section. Such notice shall be published in an official paper or paper of general circulation in the City at least fifteen (15) days prior to the date of the hearing. Notice to individual landowners whose property is being rezoned shall not be required, but is desirable. At the discretion of the City Manager and as a courtesy to property owners, a copy of the published notice may be sent by first class mail to the owners of record of the properties to be rezoned and notice may be posted in or near the areas to be rezoned.
 - b) During the fact-finding hearing, the Planning Commission and City Council shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission and City Council may, in their sole discretion, hear and consider any other relevant statement or evidence, written or oral.
 - c) Within sixteen (16) days after the hearing, the Planning Commission shall provide to the applicant and the City Council its written findings and recommendations on the application. The written findings and recommendation shall include a statement of the Commission's findings and conclusions upon all relevant issues of fact or law raised by the application, and a recommendation for approval or denial thereof. A copy of the written findings and recommendations also shall be mailed to any other person who requested in writing a copy thereof.
 - d) After receipt by the City Council of the written findings and recommendations of the Planning Commission, an ordinance embodying the proposed rezoning shall be placed on the agenda of a meeting of the City Council for first reading.
 - e) The notice provisions set forth in 3(a) above shall be performed by the Secretary to the Planning Commission for fact finding hearings relating to the Planning Commission and by the City Clerk for fact finding hearings related to the City Council.
- 4) In lieu of the standards outlined in Section 17-17-7, no legislative rezoning ordinance shall be approved by Planning Commission or City Council unless it is demonstrated and found that:
- a) The rezoning affects a large number of properties and the proposed rezoning is not applicable only to a specific individual or readily identifiable group of individuals;
 - b) It would be inefficient, cumbersome, and unduly burdensome on the resources of the City to rezone the potentially affected properties on a site-by-site basis;
 - c) The rezoning is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level;

- d) The proposed rezoning is consistent with and will implement the goals of the City's Comprehensive Plan;
 - e) The proposed rezoning promotes the health, safety or welfare of the inhabitants of the City and the purposes of this Ordinance;
 - f) The proposed rezoning is in the public interest.
- (5) Judicial review of an ordinance adopted pursuant to this Section shall be by petition to district court pursuant to the requirements of Colorado Rule of Civil Procedure 57.

17-17-9. WHEN REZONING APPLICATIONS ARE NOT ACCEPTED. No application for rezoning property shall be accepted within six (6) months following a final decision on a prior rezoning application relating to all or any portion of that same property. A "final decision" shall mean:

- (1) Denial by the Planning Commission of the rezoning application without an appeal to the City Council;
- (2) Withdrawal of the rezoning application occurring after the Planning Commission has voted on the rezoning application and prior to the vote by the City Council on the rezoning ordinance; or
- (3) The vote by the City Council denying or approving the rezoning ordinance.

17-17-10. ZONING CONDITIONS. The Planning Commission may recommend and the City Council may adopt an ordinance initially zoning or rezoning property which includes specific conditions binding upon the owner of the property, his successors, heirs and assigns. Examples of such conditions are the requirement that certain actions such as subdivision platting be completed prior to building permit issuance, further regulation of the use of the property itself such as specific use requirements, site plan requirements, height restrictions, or public improvement construction.

- (1) That the initial zoning or the rezoning becomes effective on the day that initial zoning ordinance or rezoning ordinance becomes effective, but that no building permit may be issued for the subject property until a plat of the subject property, together with such adjacent or continuous land under the same or identical ownership as shall be necessary to adequately show the matters and things required by the subdivision regulations, be approved by the City Council; or
- (2) That the initial zoning or the rezoning becomes effective on the day that the initial zoning ordinance or the rezoning ordinance becomes effective, but that no building permit may be issued for the subject property until a plat of the subject property, together with such adjacent or contiguous land, under the same or identical ownership, as shall be necessary to adequately show the matters and things required by the subdivision regulations, be approved by the City Council; provided, however, that said plat shall be filed with the Planning Commission by a specific date set forth in the zoning or rezoning ordinance.

Furthermore, the initial zoning or the rezoning ordinance may provide that, if a plat is not submitted to the Planning Commission by said date set forth in said ordinance, the Planning Commission may initiate an application for a change in zone to determine if the zone district in which the property is included is still appropriate.