

TOWN OF GREEN MOUNTAIN FALLS

ORDINANCE NO. 2019-02

AN ORDINANCE REPEALING AND REENACTING SECTION 16-711 OF THE GREEN MOUNTAIN FALLS MUNICIPAL CODE CONCERNING ZONING AMENDMENTS

WHEREAS, the Board of Trustees desires to simplify its rezoning process.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:

Section 1. Section 16-711 of the Green Mountain Falls Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 16-711. – Zoning Amendments

(a) Initiation of zoning changes. A rezoning may be initiated by the Town, by an initiative petition, or by application of the fee owners of the property that is the subject of the rezoning.

(b) Submittal requirements. An application for rezoning shall include the following, as applicable:

- (1) Proof of ownership of the subject property satisfactory to the Town;
- (2) The reason for the change in zone classification;
- (3) The total number of acres in the requested area;
- (4) The number of apartment buildings;
- (5) The number of dwelling units per building;
- (6) The number of dwelling units per acre;
- (7) The number of industrial sites proposed;
- (8) Typical lot sizes: length and width;
- (9) Acres and percent of land to be set aside as open space, not to include parking, drives and access roads;
- (10) Type of proposed recreational facilities;
- (11) If phased construction is proposed, how it will be phased;
- (12) Anticipated schedule of development;

- (13) How water and sewer will be provided;
- (14) Proposed uses, relationship between uses and densities; and
- (15) Legal description and drawing. The drawing shall be at a scale suitable to describe the information required and shall include:
 - a. Boundary description of the land to be zoned which shall illustrate the legal description;
 - b. Existing land uses on the property;
 - c. Adjoining property ownership and use;
 - d. Existing and proposed structures;
 - e. Existing and proposed easements; and
 - f. Name and addresses of the petitioner, owners of all interest in the property and the preparer.

(c) Procedure.

(1) Public hearing. The Planning Commission shall conduct a public hearing on the application within seventy-five (75) days of the filing of a complete application and prepare recommendations for the Board of Trustees. After receipt of the Planning Commission recommendation, the Board of Trustees shall conduct a public hearing and render a decision.

(2) Criteria. The Town shall consider whether the rezoning complies with at least one of the following criteria:

- a. The proposed rezoning furthers the goals and policies of the Comprehensive Plan;
- b. The rezoning is consistent with the purpose statement of the proposed zoning district;
- c. There have been significant changes in the area to warrant a zoning change; or
- d. There was an error in establishing the current zoning.

(3) Notice. Notice of the public hearings shall be provided by posting the property and by publication in an official paper or paper of general circulation in the Town at least fifteen (15) days prior to the public hearing. The notice shall describe the time and place of the hearing, the nature of the application, and the subject property.

(d) Protests.

(1) If a valid petition opposing a change in zoning classification is filed with the Town, the proposed amendment may then only be adopted by a favorable vote of two-thirds of all members of the Board of Trustees.

(2) To be valid, the petition shall:

a. Be signed by the owners of either twenty percent (20%) or more of the property subject to the proposed change; or by twenty percent (20%) or more of the area of land extending a radius of one hundred (100) feet from the boundaries of the property which is subject to the proposed change;

b. Be received by the Town at least twenty-four (24) hours prior to the public hearing before the Board of Trustees; and

c. Be on a form provided by the Town and containing all the information requested on the form.

Section 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Green Mountain Falls, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be effective thirty (30) days after passage.

INTRODUCED AND ORDERED PUBLISHED the 1 day of May, 2019, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado.

ADOPTED AND ORDERED PUBLISHED the 7 day of May, 2019.

Jane Newberry
Jane Newberry, Mayor

ATTEST:

Laura Kotewa
Laura Kotewa, Town Clerk/Treasurer

Published in the Pike Peaks Courier, May 15 2019.