



## TOWN OF LARKSPUR, COLORADO

### ORDINANCE NO. 3.99

**AN ORDINANCE AMENDING SECTION 6 (REZONING) OF ORDINANCE 3.43, aka THE ZONING ORDINANCE. THIS ORDINANCE REPEALS AND REPLACES SECTION 6 OF ORDINANCE 3.43 IN ITS ENTIRETY.**

**WHEREAS**, the Larkspur Town Council has adopted Ordinance 3.43 a zoning ordinance that lists the requirements for rezoning in section 6; and

**WHEREAS**, the Larkspur Town Council desires to make changes to this section to clarify unclear portions and make the process easier to follow; and

**WHEREAS**, the Larkspur Town Council would like the process to be confined in an ordinance for just rezoning procedures:

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO AS FOLLOWS:**

Rezoning shall mean a revision to the Zoning Map of the Town of Larkspur. Rezoning requests may be initiated by the Town Council, the Planning Commission, or the owner of the parcel of land. All rezoning requests are subject to the following procedure:

1.1 The person or group requesting rezoning must first contact the Town Staff to have the project reviewed and obtain a rezoning packet including the following;

1. Rezoning application form: Attached as Exhibit A
2. Copy of current Rezoning Ordinance
3. Checklist of items needed
4. Time line form
5. Larkspur Master Plan

1.2 Required list of items for Rezoning to be submitted to Town Staff;

1. Completed rezoning application
2. Proof of Ownership which includes legal description
  - a) Current title commitment of no more than 30 days old
3. Narrative outline with the following answered
  - a) Purpose of the request
  - b) Names and addresses of owner(s)
  - c) How the change relates to existing land uses, and adjacent property uses

- d) How the change is compliant with the current Larkspur Master Plan
  - e) Source of water and any change in water needs from current needs
  - f) Source of waste water treatment and any change from current needs
  - g) Impact on Town services other than water and sewer
  - h) Impact on existing flora and fauna
4. Plan Exhibit instructions
- a) Be at a scale of at least 1"= 40". Scale to be approved by Town Staff charged with reviewing the plan and stated on the plan exhibit.
  - b) Survey from a certified survey company prepared no longer than 5 years prior to the request date on a 24X36 inch with copies made to 11x17 inch size for mailings.
  - c) Have a north arrow
  - d) Be titled with the name of the proposal
  - e) Have the names and legal address of the applicant /owner
  - f) Indicate the existing zoning of the subject property and existing zoning and land uses of adjacent property.
  - g) Show all easements on the property and the owners of said easement
  - h) Show all existing structures on the property, their uses and indicate if they are to remain on the property, and if their uses are to remain the same.
  - i) Include a vicinity map drawn to scale which shows a 1 mile radius of the property
  - j) Show public access to the property and internal vehicular and pedestrian circulation.
  - k) Shall graphically define all natural and man-made water courses, retention areas, streams, lakes, wetlands and bodies of water.
  - l) Any known 100-year floodplains affecting the property shall be delineated per the National Floodplain Insurance Map or any other reliable source.
5. List of Referral Agencies and their addresses (to be included in rezoning packet)
- a) Referral agencies shall include the following
    - 1. Larkspur Fire Protection District
    - 2. Douglas County Planning Department
    - 3. Town Engineering Consulting firm
    - 4. Town Attorney
    - 5. Others as indicated by the reviewing staff
6. List of Property Owners within 500 feet of property and their addresses per the County Assessor's office.
7. Public Hearing sign copy and size requirements
- a) The sign shall be at least 3'X4' with letters measuring 3(inches) in height
  - b) It shall be erected on posts with the bottom edge of the sign no less than (4) feet above ground level.

c) The sign must be posted at least (15) fifteen days prior to the public hearing before the Planning Commission.

d) The sign shall read as follows

NOTICE OF PUBLIC HEARING BEFORE THE LARKSPUR PLANNING COMMISSION AND THE LARKSPUR TOWN COUNCIL.

"Notice is hereby given that the property upon which this sign is posted shall be considered for a change in zoning from (Current zoning) to (Proposed zoning) pursuant to the current Larkspur Zoning Ordinance. Further information may be obtained by calling the Larkspur Town Clerk at 303-681-2324. The Public Hearing before the Planning commission is to be held on (Date), in the meeting room of the Town Council at (address) at (time), or as soon thereafter as possible. The Public Hearing before the Town Council is to be held on (Date) in the meeting room of the Town Council at (address) at (time), or as soon thereafter as possible."

Name of Proposal: \_\_\_\_\_

Project Number:(to be assigned by town staff)

Date of Posting: \_\_\_\_\_

A notarized copy of a photograph of the sign attesting to the date it was posted must be submitted to the Town Clerk at least five (5) days prior to the Planning Commission meeting.

The sign shall be removed by the applicant no later than seven (7) days following the final decision of the Town Council.

A) Notice of Hearing for publication in a newspaper with distribution within Douglas County:

Shall read the same as the sign copy, and

Shall be published in a newspaper with distribution within Douglas County at least (15) fifteen days prior to the Public Hearing before the Planning Commission.

Proof of publication of the public notice must be obtained from the newspaper and given to the Town Clerk and placed in the packets that go out to the adjacent property owners.

### 1.3 Procedures for rezoning

- A. Applicant receives packet
- B. Applicant shall provide items 1-4 of section 1.2 to Town staff for review
- C. The Time line shall be prepared for the applicant by the Town Staff setting the dates for Public Hearings before the Planning Commission and the Town Council.
- D. The posting shall be placed by the applicant in a newspaper for general circulation in Douglas County
- E. The Public Hearing sign shall be erected on the property
- F. The applicant shall prepare packets and mail them certified return receipt to the parties and agencies indicated in items 5&6 of paragraph 1.2. Return receipts should be addressed to the Town of Larkspur. Packets shall include the following
  1. Copy of Narrative
  2. 11X17 copy of plan exhibit with vicinity map
  3. Copy of public notice
  4. Letter from Town asking for responses to be addressed to the Town within 20 days of mailing. If a person or agency fails to respond within the 20 days the non-response shall constitute approval by that agency or persons.
- G. The Town staff shall prepare a staff report of the project and submit it to the Planning Commission 5 days prior to the Planning Commission public hearing. Staff report
  1. Shall include copies of all mailings sent out and return receipts
  2. Copies of any responses returned from agencies
  3. Complete packet as sent out by applicant
  4. A report of the project overall and its impact on the Town of Larkspur
- H. The Planning Commission shall conduct a public hearing and make a recommendation to the Town Council.
- I. The Town Council shall receive copies of the staff analysis and report and the Planning Commission recommendations at least 3 days prior to the Town Council Public Hearing.
- J. The Town Council shall at a Public Hearing take public testimony, consider the planning Commission recommendation and take one (1) of the following actions.
  1. Deny the rezoning application with reasons for denial

2. Continue the matter until a date and time to be determined in order to obtain more information to clarify or support the request.
3. Approve the rezoning, with or without conditions.

K. If approved, an Ordinance changing the Zoning map shall be drafted and approved.

L. The Zoning change shall be filed with the County Assessor.

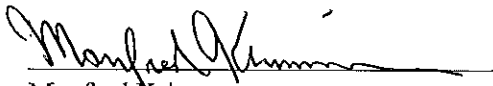
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AND SIGNED THIS 15<sup>TH</sup> DAY OF MAY 2008


Votes Approving:	<u>    5    </u>
Votes Opposed:	<u>    0    </u>
Absent:	<u>    0    </u>
Abstained:	<u>    0    </u>



ATTEST:

TOWN COUNCIL OF THE  
TOWN OF LARKSPUR, COLORADO

  
Manfred Krimmer  
Town Clerk

  
Sherilyn K. West  
Mayor