

DIVISION 16. AMENDMENTS.

Section 14-111. Authority.

Amendments to the Zoning Map shall be in accordance with the statutes of the State of Colorado, with report and recommendations from the Planning, Zoning and Variance Commission to the City Council required prior to the adoption of any such amendment.

Section 14-112. Declaration of policy and standards for rezoning.¹

For the purposes of establishing and maintaining sound, stable and desirable development within the City of Trinidad, the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter. This policy is based on the opinion of the City Council that the City's zoning map is the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and, as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area or the City in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that rezoning is necessary because of one or more of the following reasons:

- (a) The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the City's comprehensive plan; or
- (b) The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or a new approach to development; or
- (c) The proposed rezoning is necessary in order to provide land for a community related use which was not contemplated at the time of development of the comprehensive plan.

(2) In addition, no rezoning shall be allowed unless all of the following conditions are found to have been met:

- (a) That a change in zoning will advance a more effective use of land in harmony with the City's comprehensive plan; and
- (b) The public interest has been met.

(3) This declaration of standards for rezoning shall not control a rezoning which occurs incidentally to a comprehensive revision of the City's zoning map.

Section 14-113. Procedure for amendments in general.

The City Council may, from time to time, on its own motion, on petition of any person or persons in interest, or on initial recommendation of the Planning, Zoning and Variance Commission, amend, supplement or repeal the regulations and provisions of this Article, provided that where territory is

¹ 14-112 Repealed and Re-enacted (Ord. 1529, 4-13-96)

sought to be rezoned on a proposal other than by the City Council or the Planning, Zoning and Variance Commission, the person proposing or petitioning for rezoning of territory shall have a property interest in the subject territory. The applicant shall submit a list of the abutting owners of record and their addresses from available County records.

(1) Planning, Zoning and Variance Commission advisory report. Any proposed amendment or change to this Article or to the Zoning Map when initiated by the City Council shall be referred to the Commission for an advisory report thereon. When a proposed amendment or change is initiated by the Commission, said advisory report shall accompany the initial recommendations of the Commission.

(2) Procedure before Planning, Zoning and Variance, Commission. Before giving an advisory report or initial recommendations on any proposed amendment to this Article, the Commission shall first conduct a public hearing thereon. Notice of the time and place of such hearing and a brief summary or explanation of the subject matter of the hearing shall be given by the City Planner, by one publication of the same at least fifteen (15) days prior to the hearing, in a newspaper of general circulation in the City of Trinidad.

(3) Procedure before the City Council. After receiving the advisory report from the Planning Zoning and Variance Commission, the City Council shall hold a public hearing before acting on the proposed amendment to this Article or to the Zoning Map. Notice of the time and place of the public hearing before the City Council shall be given by the City Planner, by one publication of the same at least fifteen (15) days prior to the hearing, in a newspaper of general circulation in the City of Trinidad.

Section 14-114. Amendments to the Official Zoning Map.

Any person petitioning for an amendment to the Official Zoning Map shall submit a petition to the Planning, Zoning and Variance Commission through the City Planner.

(1) Planning, Zoning and Variance Commission advisory report. Any proposed amendment to the Zoning Map, when initiated by individual petition, shall be referred to the Planning, Zoning and Variance Commission for an advisory report thereon.

(2) Procedure before Planning, Zoning and Variance Commission. Before giving an advisory report or initial recommendation on any proposed amendment to the Zoning Map, the Planning, Zoning and Variance Commission shall first conduct a public hearing thereon. Prior to the public hearing, the applicant requesting amendment to the Zoning Map shall post his/her property with a sign, furnished by the Planning, Zoning and Variance Commission, notifying the general public of the time and place of the public hearing before the Planning, Zoning and Variance Commission at which said application for amendment shall be reviewed. Said sign shall be posted on the property frontage at intervals of approximately five hundred feet (500') at least fifteen (15) days prior to the scheduled hearing and shall recite the rezoning applied for. In addition, notice of the time and place of the public hearing before the Planning, Zoning and Variance Commission shall be given by the City Planner, by one publication of the same at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the City of Trinidad.

(3) Procedure before the City Council. After receiving the advisory report from the Planning, Zoning and Variance Commission, the City Council shall hold a public hearing before acting on the proposed amendment. Notice of the time and place of the public hearing before the City Council shall be given by the City Planner by one publication of the same at least fifteen (15) days prior to the hearing, in a newspaper of general circulation in the City of Trinidad.

Section 14-115. Data to be submitted.

Prior to any consideration for amendment to the Official Zoning Map, the petitioner shall file the following data with the Planning, Zoning and Variance Commission at least ten (10) days prior to the scheduled date of Planning, Zoning and Variance Commission review:

- (1) Certified survey and legal description by a registered land surveyor or professional engineer.
- (2) Proposed method of water supply and sewage disposal.
- (3) Snow storage facilities and removal.
- (4) Other such site plans or drawings to show a demonstrated need for zoning change.
- (5) The following additional data may be required to accompany the petition for any zone change:
 - (a) A site plan showing location of structures, number of dwelling units per structure, existing contours at an interval of 2 feet (2'), location of open space to be retained, location of off-street parking spaces, location of common areas and their proposed usage.
 - (b) Evidence of availability of public water and sewer facilities. Such evidence shall be in the form of a written commitment by a municipal or quasi-municipal agency stating that such service will be available to the property.
 - (c) In the event a private water and sewer system is proposed, a written engineering report shall be submitted assuring the availability of water and sewer service and written approval by the Colorado Department of Public Health and the local health authority.
 - (d) When a private water and sewer system is proposed, a surety bond in the amount of one hundred twenty-five percent (125%) of the estimated cost of such system shall be made in favor of the City of Trinidad and presented at the public hearing concerning the proposed zoning change. Such bond will be held until construction of said system is completed and approved by the Colorado Department of Public Health and the local health authority. In lieu of a surety bond, the City Council may authorize other such proof of financing or security which will satisfy construction guarantees.