



Planning Division  
135 N. Animas Street  
Trinidad, CO 81082  
Phone 719-846-9843 ext. 146  
Fax 719-846-4140  
[sky.tallman@trinidad.co.gov](mailto:sky.tallman@trinidad.co.gov)

## Rezoning (Zoning Map Amendment) Review

This guide describes the Rezoning process. It should be used in conjunction with the City of Trinidad Municipal Code (See Chapter 14 Land Use Code), the Comprehensive Plan, and the guide to Pre-Application Review.

### Purpose

Zoning is a tool used to regulate land development by separating incompatible uses. All properties within the City of Trinidad have a zone district classification that establishes the type and intensity of the uses allowed on the property. The Rezoning process is necessary for anyone wishing to change the zone district classification for a property as shown on the official zoning map.

### Rezoning Review

To apply for a Variance, you must schedule a Pre-Application Meeting with the Development Services Office. This meeting provides you with the opportunity to discuss your proposal and to help you in identifying the requirements and process for the application. Following the Pre-application Meeting, a formal Rezoning application and fee shall be submitted. A rezoning application (amendments to the Zoning Map) shall be in accordance with State Statutes with report and recommendations from the Planning, Zoning and Variance Commission (PZVC) to the City Council prior to adoption of any such amendment.

### Standards for Rezoning

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 approved if the applicant demonstrates by a preponderance of the evidence that rezoning is necessary for one or more of the following reasons:

- ❖ There was an error in establishing the current zoning.
- ❖ 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
- ❖ 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.

In addition, no rezoning shall be approved unless the applicant demonstrates by a preponderance of the evidence that each of the following criteria are met:

- ❖ That a change in zoning will advance a more effective use of land in harmony with the City's comprehensive plan;
- ❖ The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and
- ❖ Public facilities and services are available to adequately serve the subject property while maintaining an adequate level of service to existing development.

These standards do not apply to a legislative rezoning of the City's zoning map.

#### REVIEW PROCESS

**Step 1: Pre-Application Conference.** A pre-application conference in accordance with Section 14-24 is required before the City will accept a Rezoning application for processing.

**Step 2: Rezoning Application Submittal.** The applicant shall submit a complete rezoning application to the Planning Division that includes the following items:

1. Land Use Application Form.
2. Development Review fee of \$1,400.00.
3. Proof of Ownership.
4. Rezoning Review Criteria Statement. Written description of the proposed zoning change including a demonstrated need for the zoning change (see Standards for Rezoning above), proposed method of water supply and sewage disposal and snow storage and removal.
5. List of all abutting property owners and their mailing addresses.
6. Zoning Amendment Map/Site Plan (Certified survey and legal description of property by a registered land surveyor or professional engineer). The map/ site plan must be drawn to scale and depict the following:
  - a. Identify existing zoning along with adjoining land uses and zoning
  - b. Property boundary
  - c. Legal description
  - d. Location of structure(s) (existing and proposed)
  - e. Number of dwelling units per structure
  - f. Location of open space to be retained
  - g. Location of common areas and their proposed usage
  - h. Existing contours (2' Contour Intervals)
  - i. Location of off-street parking spaces
  - j. Location, widths and names of adjacent streets and alleys
  - k. Existing and proposed utilities and utility easements
  - l. Floodplain boundary, if applicable
  - m. Certificate blocks for Property Owner, Surveyor, Planning, Zoning, and Variance Commission, and City Council.

**Additional Information.** The following additional data may be required to accompany the petition for any zone change:

1. 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.
2. In the event a private water and/or wastewater 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 Environment and the local health authority.

3. When a private water and/or 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 Environment 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.

Incomplete Applications. A rezoning petition that is deemed incomplete shall not be processed by the City.

**Step 3: Rezoning Application Assessment.** Planning Department staff will assess the application's completeness. Within a reasonable time, Staff will either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application and resubmit the full and complete application. After a complete application is received, staff shall prepare a report to the PZVC explaining how the application is or is not consistent with the standards for rezoning review criteria. Once the application is deemed complete it will be routed on referral and reviewed by City staff.

**Step 4: Referral and Staff Review.** Completed applications are reviewed by all relevant City Departments and referred to outside agencies for comment. Outside referral agencies may include the Colorado Department of Transportation, utility service providers, special districts, and planning consultants, etc. Upon expiration of the referral period, the applicant will receive a comment letter from City staff that includes all items that must be addressed or clarified. The applicant will address these items and resubmit the complete and entire application to the City. This process will continue until all items have been successfully addressed by the applicant and the application is ready for the public hearing.

**Step 5: Public Notice.** At least ten (10) days prior to the Planning, Zoning, and Variance Commission and City Council public hearing dates, the City will provide notice of the public hearing to the abutting property owners by certified mail and publish the public notice in a local newspaper of general circulation. At least fifteen (15) days prior to the public hearing, the City shall post a sign notice on the subject property that must be visible from the street. Notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the application type, the date of the application, the date of the hearing, and the name of the applicant, and such other information as may be required to fully apprise the public of the nature of the application.

**Step 6: Public Hearings.** Approval of a zoning change requires a public hearing before the PZVC and City Council. The applicant shall be present during the public hearings to help address any comments or concerns brought up by either the Commission, Council or the general public. The Commission will hold the first public hearing to review the zoning amendment based on the standards for rezoning and will recommend approval, conditional approval or denial to the City Council. The City Council, after receiving the report and recommendation from the Commission will hold a public hearing. Following the required hearing, Council will consider the comments and evidence presented at the hearing and evaluate the application in accordance with the standards for rezoning and approve, approve with conditions, or deny the application.