

## 18.05 REZONING

### 18.05.010 REQUIREMENTS FOR CHANGE

Whenever the public necessity, safety, general welfare, or good zoning practice justifies such action and after consideration and recommendation by the Planning Commission as provided herein, the City Council may change zone district boundaries, use groups or the regulations established by this chapter after public hearing for which public notice is given.

### 18.05.020 INITIATION OF CHANGE

A proposed change of zone district boundaries or regulations may be initiated by the City Council, Planning Commission, or by applicant of one or more of the owners of the property within the area requested to be changed.

### 18.05.030 AREA REQUIRED

Changes in the Zoning Map involving any zone district, except for Open Space, Parks and Public Facilities zones, requires that the area requested for rezoning abuts the existing zone district of the same general classification as that being requested on all or part of at least one side.

### 18.05.040 WRITTEN STATEMENT

All requests for changes in the Zoning Map must include a written statement outlining the reasons and intent of such a change.

### 18.05.050 FEES AND EXPENSES

All requests for changes to the Zoning Map, except those initiated by the City Council or Planning Commission, shall be accompanied by a minimum fee as set forth by the published Fee Schedule, as amended, together with such other costs as are determined by the City to be reasonable.

### 18.05.060 HEARING AND RECOMMENDATION

The Planning Commission shall recommend approval or disapproval, either in whole or in part, of a change initiated by an owner or owners of property within the area requested for rezoning. Recommendations for such changes shall be presented to the City Council, and an Ordinance embodying such changes, in whole or in part, may be adopted by the City Council after public hearing. Public notice shall be given. In the event of adoption by the City of such changes in part, if such partial adoption has not been recommended as such by the Planning Commission, a favorable vote of the majority of the Council membership shall be necessary.

### 18.05.070 PROTEST AGAINST CHANGE

In case of protest against changes in regulations or restrictions, or changes in the zone district applicable to particular land, which protest is filed with the City Clerk at least twenty-four hours prior to the Council's vote on the change and is signed by the owners of twenty percent or more of the area of land extending a radius of one hundred feet from the land which is subject to the proposed change, disregarding intervening public rights-of-way, such changes shall not become effective except by the favorable vote of the majority of the Council membership.

### 18.05.080 REZONING PROCEDURES

The application process is identified in **Chapter 18.80**.

A. All requests for rezoning shall be submitted to the Planning Department with a completed application form, accompanied by the required fee and shall contain the following information:

1. The names and addresses of the owners of the property;
  2. A legal description of the property;
  3. Evidence that surrounding property owners within 100 ft., excluding adjacent public rights-of-way, have been notified by first class mail with proof of mailing.
  4. A detailed explanation of the request for rezoning, including all reasons for the request;
  5. Supporting documents and maps.
  6. Fiscal and operational impacts of new development and use conversions, such as residential conversions to reduced or non-contributing tax base uses, shall be evaluated for the City's ability to provide and maintain services and infrastructure necessary to support such development. Uses that reduce the current tax base for the City or School District shall be reviewed with a project specific fiscal impact analysis as completed by the applicant.
- B. Upon receipt of a complete application for rezoning, the Planning Department shall retain the original application on file and will distribute copies of the application to the various reviewing entities for comments.
- C. Upon receipt of a complete application for rezoning the Planning Department shall set the application for preliminary consideration at the next regular meeting of the Planning Commission, which shall be at least fifteen (15) days hence. Notice of the preliminary hearing and date thereof shall be sent, stating in summary the substance of said application.
- D. Copies of said application shall be distributed to all members of the Commission for preliminary study and examination. At the preliminary hearing the Commission shall consider said application, hear comments and objections, and request additional information or make preliminary recommendations. The matter shall be set for public hearing at the next regular or special meeting of the Commission.
- E. At the public hearing, the Planning Commission shall consider all submitted data, comments, and objections. The Commission shall either continue the matter for further information and study for not more than thirty (30) days or shall render its recommendation to the City Council for approval, disapproval or conditional approval of the application.
- F. The City Clerk, upon receiving the recommendation of the Planning Commission shall set the matter on the agenda of the City Council as identified in the published schedule. At such meeting the Council shall approve, approve with conditions, or disapprove the application for rezoning.
- G. No request for a rezoning shall be reconsidered by the Planning Commission or City Council until the expiration of one year or a substantial change of circumstances shall have first occurred.

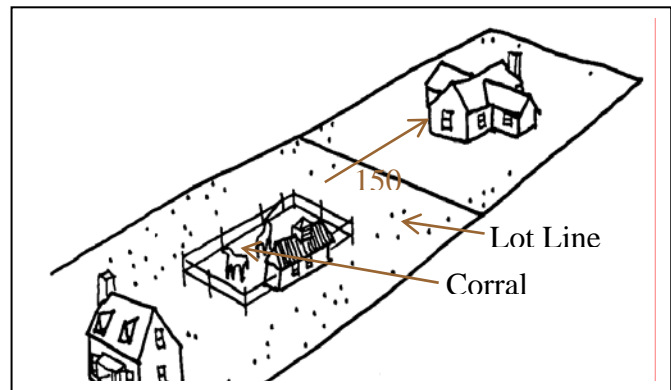
- H. Upon approval of any request for rezoning, the Planning Department shall forthwith note the amendment on the official Zoning Map of the City of Manitou Springs, keep appropriate records thereof and notify the El Paso County Clerk and Recorder of said amendment of the official Zoning Map.

### 18.06 GENERAL PROVISIONS

The General Provisions are intended for all Zone District categories, where applicable, and are required to meet the intent of the Zoning Code. Definitions are contained in Chapter 18.60. These provisions are applicable to all zone districts within the City of Manitou Springs.

- A. At no cost to the City, all new or expanded development shall connect to the Manitou Springs municipal water and wastewater systems, and the Colorado Springs Utilities gas and electrical systems.
- B. All public distribution and private service lines shall be placed underground, including telephone and cable television. Distribution or private service lines not located within rights-of-way and in areas of 30% or greater slopes shall be bored.
- C. Any application under any zone shall comply with the Manitou Springs Subdivision Regulations, as amended.
- D. All new access (streets and driveways), shall be paved and in accordance with International Fire Code (IFC), as amended. Upgrading of existing roads to new sites to IFC, as amended, may be required.

- E. Private Stables: In the GR and LDR zones, private stables for equine animal(s) are allowed under the following conditions: a minimum of one acre (43,560 sq. ft.) of ground per animal and a setback of at least one-hundred-fifty feet (150') from any building occupied as a residence or used for human habitation, other than the animal's owner or landowner's residence. (Does not apply to private stables in use prior to November 15, 1978. See Ordinance #1878.)



- F. Temporary Construction and Sales Office - one temporary construction and sales office shall be allowed providing this use is conducted within a permitted principal use structure within a subdivision for purposes of initial real estate development therein and shall be allowed in all residential zone districts. Uses shall be limited to a two (2) year period unless otherwise authorized, and said use shall be conducted in a manner which conforms to all requirements of the zone.