

# Zoning and Rezoning Applicant's Guide



Town of Bennett  
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# Town of Bennett Rezoning Process

## Purpose

This guide contains the basic procedures and requirements for all Rezoning applications to the Town. Rezoning shall be consistent with the goals and policies of the Comprehensive Plan and promotes the general welfare of the community or if it is inconsistent with the Comprehensive Plan, the applicant must demonstrate the requested rezone is justified due to the changing conditions in the particular area, in the Town or that is necessary to correct a manifest error in the existing zone classification.

## Process

The Administrative process for Rezoning consists of the following basic steps once the Rezoning application is submitted and found to be complete. In order for the Rezoning to be approved the Planning Commission and Board of Trustees must consider the criteria set forth in Sec. 16-2-360 of the Municipal Code. The Planning Commission and Board of Trustees shall review the Rezoning Application for consistency with the Comprehensive Plan in a Public Hearing. During the hearing(s), the application may be approved, approved with conditions or denied based on certain criteria. If the application is approved, the applicant is responsible for submitting final documents for signature and recordation within 10 days of the final approval.

### Step 1 – Pre-Application

The applicant completes the Pre- Application process, in which the proposed Rezoning is reviewed by the Town’s Development Review Committee (DRC). The DRC will make recommendations to the applicant on how the formal application might be structured to enhance chances the project will ultimately be approved by the Town Planning Commission and Board of Trustees. The DRC will highlight issues of particular concern and refer the applicant to the applicable Town standards and regulations.

### Step 2 – Applicant Submits Formal Application

Applicant submits to the Town the complete application package.

### Step 3 – Staff Reviews Application for Completeness (5 Business Days)

Town Staff reviews the application for Completeness.

### Step 4 – Referral Agencies

Town Staff will initiate Referral Agency review.

### Step 5 – Staff and Referral Agencies Review (21 Business Days + 3 Business days)

Staff and the applicable referral agencies will review the application within 21 business days. A letter compiling all referral comments will be sent with 3 days following the review.

### Step 6 – Resubmittal (if required)

The applicant will revise and resubmit the application based upon the comments received by staff.

### Step 7- Resubmittal Review

Once staff determines that the application is revised correctly, the application will be set for Planning and Zoning Commission.

## Step 8- Public Hearing/Planning & Zoning Commission/Board of Trustees

The application will be scheduled for a public hearing with the Planning and Zoning Commission and the Board of Trustees. There is a 15-day public notice requirement for each hearing. Assisted by staff, the applicant will be directed to complete public notice for both hearings. See Bennett Municipal Code 16-1-340 and 16-1-520. The application may be approved, approved with conditions or denied based upon certain criteria.

# Zoning and Rezoning Submittal Requirements

(Town of Bennett | Revised March 2022)

The following elements constitute an acceptable application for Rezoning. An application is not considered submitted until all items are included in the application. (Note that depending on the size, scale and complexity of a proposal, some of the requirements below may be waived by Town Staff.)

APPLICATION DOCUMENTS			
Required if Checked	Submitted by Applicant	Project Name: _____	
		Case No.: _____	
X		Land Use Application Form (must be signed by Property Owner)	
X		Application Fees (see below)	
X		Cost Agreement	
X		Funds Deposit Agreement	
X		Title Commitment (current within 30 days of application)	
APPLICATION FEES			
X		1. Engineering: < 5 Acres \$2,500; 5-25 Acres \$3,000; > 25 Acres \$3,600	\$
		2. Attorney: < 5 Acres \$1,500; 5-25 Acres \$2,000; > 25 Acres \$2,500	\$
		3. Traffic Engineer: < 5 Acres \$2,200; 5-25 Acres \$2,200; > 25 Acres \$2,200	\$
		4. Other: e.g. Water Engineer Review, Special Utility Review, Landscape Arch. Review: \$215	\$
		Subtotal	\$
X		5. Administrative Fee: 20% of Project Total	\$
X		(Additional fees may be required, depending on the number of resubmittals or changes by applicant, or if a Subdivision Agreement, Development Agreement or Construction Document Review is required.)	<b>Total</b>
			\$
		Recording fees will also be required when the final documents are recorded with Adams or Arapahoe County. (See below)	
REZONING APPLICATION SHALL INCLUDE:			
X		1. <b>Letter of Intent.</b> The applicant shall provide a letter of intent addressed to the Planning Commission and Board of Trustees to serve as a cover letter to the formal application, introducing the applicant(s) to the Planning Commission/Board of Trustees, requesting Rezoning for the property and describing the proposed Rezoning.	
X		2. <b>Rezoning Application.</b> The Town's Land Use Application Form shall be completed, signed and dated.	
X		3. <b>Agreement for Payment of Development Review Expenses Incurred by the Town.</b> The application shall be accompanied by signed standard Cost Agreement and Funds Deposit Agreement for the payment of development review expenses incurred by the Town.	
X		4. <b>Written Consent.</b> This must include signatures by all of the owners of all of the properties that would be affected by the proposed Conditional Use or their duly authorized agents.	
X		5. <b>Property Owners.</b> Provide a list of property owners within 300 feet of the proposed rezoning.	
X		6. <b>Sewer and Water.</b> Evidence that the property can be served by public sewer and water.	

X	7. <b>Vicinity Map.</b> Showing location of property at an appropriate scale.
X	<p>11. <b>Other Information Requested by the Zoning Administrator.</b> Any other information required by the Zoning Administrator necessary for the review of the proposed Rezoning. Depending on the property size, location, and the proposed zone district, additional reports may be required that identify how the proposed zoning might affect population, employment, schools, parks, streets, utilities, public safety, and other Town services including but not limited to:</p> <ul style="list-style-type: none"> <li>-An estimate of total number of residential units or non-residential building square footage</li> <li>-An estimate of sewer and water demand, existing capacity and new facility needs and timing of construction</li> <li>-Traffic Impact Analysis (TIA)</li> <li>-Preliminary Drainage Study</li> <li>-Utility Studies and Plans</li> </ul>