

### § 3.3 CODE AMENDMENTS

- A. **Initiation.** Applications for text or Official Zoning Map amendments may be initiated by the following:
1. By motion of the Estes Valley Planning Commission;
  2. By request of either Board; or
  3. By application for a rezoning by the owner(s) of the property for which the amendment is requested.
- B. **Private-Party-Initiated Applications for Code Amendments (Rezoning).** All applications for text or Official Zoning Map amendments initiated pursuant to §3.3.A.3 above shall comply with the following requirements:
1. *Development Plan Required.* All applications seeking to amend this Code to allow a change from one (1) zone district to a different zone district or seeking to amend this Code by changing the permitted uses in any zone district shall be accompanied by a development plan. This requirement may be waived by Staff if it finds that the projected size, complexity, anticipated impacts or other factors associated with the proposed development or subdivision clearly justify such waiver.
  2. *Contents of Development Plan.* See Appendix B to this Code for submittal requirements.
  3. Within one (1) year from the effective date of this Code, any property owner may apply for rezoning on the basis that an error in the original zoning was made. Staff may waive the development plan requirements based upon the nature of the proposed request. Applicant must submit a statement of request setting forth information, data and reasons why the error exists.
- C. **Procedures for Approval.** All applications for text or Official Zoning Map amendments shall follow the standard development approval process set forth in §3.2 of this Chapter.
- D. **Standards for Review.** All applications for text or Official Zoning Map amendments shall be reviewed by the EVPC and Board(s) for compliance with the relevant standards and criteria set forth below and with other applicable provisions of this Code.
1. The amendment is necessary to address changes in conditions in the areas affected;
  2. The development plan, which the proposed amendment to this Code would allow, is compatible and consistent with the policies and intent of the Comprehensive Plan and with existing growth and development patterns in the Estes Valley; and
  3. The Town, County or other relevant service providers shall have the ability to provide adequate services and facilities that might be required if the application were approved.
- E. **Effect of Approvals and Lapse.** When a development plan is required by this Section, if an Applicant fails to apply for a building permit and commence construction or operation with regard to the rezoning approval consistent with such development plan within one (1) year from the effective date of the amendment, such development plan shall automatically lapse and become null and void. At its discretion, the Board may institute rezoning proceedings pursuant to the procedures and standards set forth in this Section to rezone the affected land areas.

**F. Applications for Building Permits During Consideration of Application for Amendment to this Code.**

1. Whenever an ordinance or resolution has been introduced before the Boards that involves a change in zoning from a less restricted district to a more restricted district, or to set forth prohibited uses in any existing zone district, no building permit shall be issued for a period not to exceed one hundred twenty (120) days from the date of the introduction of such zoning amendment when such building permit would authorize the construction of a building or the establishment of a use that would become nonconforming under the contemplated zoning amendment.
2. If such ordinance or resolution is not adopted within one hundred twenty (120) days, the appropriate public entity is authorized to accept applications and issue building permits regardless of the pendency of such amendment.