

## ARTICLE VI

### AMENDMENTS AND DIRECTOR CLASSIFICATIONS

#### SECTION 600 AMENDMENTS

The following procedures shall be followed for amending the Moffat County Zoning Resolution and Official Zoning Map.

#### SECTION 600.1 - INITIATION

Amendments, supplements, changes, or repeal of this **Resolution**, or any portion thereof, may be initiated by:

1. **Commissioner Resolution:** The adoption by majority vote of a Resolution of Initiation by the Board of County Commissioners.
2. **Planning Commission Resolution:** The adoption by majority vote of a Resolution of Initiation by the County Planning Commission.
3. **Application:** The filing with the Planning Department of a Request for Change of the Zoning Resolution by any citizen, group of citizens, firm or corporation residing, owning, or leasing property within Moffat County.

Amendments, supplements, changes, or repeal of the **Official Zoning Map**, or any portion thereof, may be initiated by:

1. **Commissioner Resolution:** The adoption by majority vote of a Resolution of Initiation by the Board of County Commissioners, where necessary to bring an existing use into conformance with this resolution, to bring property into conformance with an adopted master plan, or to rescind a previously approve zone change in accordance with the "Exercise of Rights" provision of Section 485-3. (Amended 8/18/83)
2. **Planning Commission Resolution:** The adoption by majority vote of a Resolution of Initiation by the County Planning Commission, where necessary to bring property into conformance with an adopted master plan, or to rescind a previously approve zone change in accordance with the "Exercise of Rights" provision of Section 485-3. (Amended 8/18/83)
3. **Application:** The filing with the Planning Department of an Application for Zone Change by the record owner(s) of the property in question, or an agent of the record owner(s), authorized in writing.

#### SECTION 600.2 - FORMS

Application for an amendment to this Resolution shall be made on such forms as the Planning Commission shall prescribe and shall be filed with the Planning Department. Applications for an amendment to the Official Zoning Map shall contain all of the following information:

1. Description of land area to be rezoned and requested new classification, along with a sketch to scale showing boundaries of areas requested to be rezoned, and an indication of the existing zoning on all adjacent sides of the area.

2. A statement of justification for the rezoning, including one of the following conditions:
  - a. Changing area conditions;
  - b. Error in original zoning;
  - c. Conformance to the Master Plan for the area; or (amended 8/18/83)
  - d. Peculiar suitability of the site for a certain use.
3. Description and sketches of buildings or uses proposed if rezoning is granted, along with a description of land, buildings, easements and uses within 500 feet of the boundary of the proposed area to be changed.
4. Time schedule for any contemplated new construction or uses.
5. Justification for any new business, commercial or industrial zoning.
6. Effect that the new zoning would have on adjacent uses.

**SECTION 600.3 - REFERRAL TO THE PLANNING COMMISSION**

All applications for zoning changes shall be referred to the County Planning Commission for approval, disapproval and conditions. The County Planning Commission shall then recommend such approval, disapproval and conditions to the Board of County Commissioners.

**SECTION 600.4 - REQUIRED PUBLIC HEARING**

Before any amendment to the Official Zoning Map or written text of the Zoning Resolution is approved by the County Commissioners, a public hearing shall be held, notice of which shall be published at least 15 days prior thereto in at least 1 newspaper with general circulation in the area, and describing those areas requesting change of zoning. In addition, any changes to the Official Zoning Map shall be noticed in the following manner:

1. At least 15 days prior to the date of the hearing, notice shall be sent by letter to all surface owners and mineral owners, as shown by the last preceding tax roll, within the boundaries of the proposed change, and to all surface owners within 500 feet of the boundaries of the proposed change, indicating the date of the hearing, boundaries of the proposed change, and details of the proposed change, including full titles of existing and proposed zones. A "Certificate of Mailing by Regular Mail" shall be filed with the County Clerk and Recorder as evidence that said noticing was completed in conformance with this Section. Errors in the giving of notice or the failure of any person to receive notice, shall not invalidate any proceeding requiring notice.
2. A posted notice, at least 22" x 28" in size and with each letter at least 5/8" in height, indicating substantially the same data as in Section 600.4 above. All signs so posted shall have a yellow background with black letters. Such signs shall be posted conspicuously and continuously for at least 30 days prior to the date of the hearing. All boundaries of the proposed change which abut a public right-of-way or easement shall be so posted. (Amended 2/29/84)

**SECTION 600.5 - CERTIFICATION OF AMENDMENT**

If an amendment should receive a majority vote for adoption by the Board of County Commissioners, a certified copy of the amendment shall then be filed with the County Clerk and Recorder, which shall be indexed, filed and made available to the public.

**SECTION 600.6 - ALTERNATIVE ZONING DISTRICTS**

Whenever a zoning district set forth in the following column on the left is under consideration by the Planning Commission or the Board of County Commissioners, any zoning district set forth opposite thereof in the column on the right may also be considered:

<b>Zoning District</b>	<b>Alternative</b>
A	None
R-R	A
R-C	R-R, A
R-1	R-C, R-R, A
R-2	R-1, R-C
MH-1	R-1, R-C
MH-2	MH-1, R-2, R-1, R-C
B	None
C	B
L-1	B, C
H-1	C, L-1
O	None

(Amended 5/9/85)

## **SECTION 605 - USES NOT LISTED AS PERMITTED OR CONDITIONAL USES**

It is recognized that, in the development of a comprehensive zoning resolution not all uses of land can be listed or anticipated, that a use may have been omitted from the list of those specified as a permitted or conditional use in each of the various districts, and that ambiguity may arise concerning the appropriate classification of a particular use. Therefore, the following procedure shall apply where uses not specifically listed in a district are proposed for inclusion as a permitted or conditional use in that district.

### **SECTION 605.1 - INITIATION**

Proceedings under this Section may be initiated by filing a request in writing with the Planning director to add a specific use to a District, stating those points which may be persuasive in determining consistency with the District.

### **SECTION 605.2 - CLASSIFICATION**

The director may classify such use as a permitted use or a conditional use. In no instance shall the Director classify a use as a permitted or a conditional use when such use is specifically listed first in a less restricted district. In classifying an unlisted use, the Director shall first make a finding that all of the following conditions exist:

1. That the use and its operation are compatible with the listed uses in the district within which it is proposed to be allowed;
2. That the use is similar to uses listed in the district within which it is proposed to be allowed;
3. That the use will not cause substantial injury to the value of the property in neighborhoods or districts within which it is likely to be located; and
4. That the use will be so controlled that the public health, safety and general welfare will be protected.

### **SECTION 605.3 – EFFECT**

Uses classified pursuant to this Section shall be regarded as listed uses. The Director shall revise the appropriate section(s) to add the newly classified use to the Zoning Resolution.