

# ZONE CHANGE PROTEST

## OVERVIEW & GUIDANCE



### **What is a zone change protest?**

All zone change requests are required to be approved by City Council by ordinance (not by resolution or motion). The City Charter includes a right for adjacent property owners to protest a zone change, thereby increasing the number of votes that would be required to approve a zone change. This right of protest applies to any zone change action, including a private rezoning request, a City-initiated zone change, or a zone change request to a planned development through approval of an outline development plan. This handout explains the effect and procedure for a zone change protest; it is a summary of Charter Section 5.10 and Code Section 26-112.C.7.

### **What effect does a protest have?**

A valid protest that meets the ownership and geographic requirements of the code and charter will change the voting requirement needed to approve a zone change ordinance. Without a protest, a zone change ordinance requires at least five (5) positive votes for approval; with a protest, a zone change ordinance requires at least six (6) positive votes (a “super majority”) for approval.

### **How will I know if I live near a potential zone change?**

Public notice is an important component of the review process for a zone change, and noticing requirements are established in City Code. Before a zone change application is submitted, all neighbors (owners and tenants) within 600 feet of a potential zone change will be notified by mail of a neighborhood meeting. Prior to the two required public hearings—at Planning Commission and City Council—owners within 300 feet of a property will receive letter notice, and yellow signs will be posted on the property. In addition, the City maintains a map of active development applications including zone change requests: <http://www.ci.wheatridge.co.us/1564/Development-Review-Map>

### **Help me file a protest...**

#### **Who can protest?**

Anyone can submit an objection to a zone change, but in order to trigger a super majority vote, a zone change protest must meet specific area requirements outlined in the City Charter. These geographic requirements are described and illustrated on the back side of this handout.

#### **Does a protest need to be provided in a specific form?**

The protest must be written, but otherwise the City does not require a specific format. Sample language for a protest form is provided on the back side of this handout. If multiple property owners are protesting, it’s recommended that each owner sign a separate form.

#### **How can I check property ownership and size?**

The City receives all parcel and ownership information from the Jefferson County Assessor. The County’s online map is publicly accessible and allows you to view ownership information and measure property dimensions (<https://gis.jeffco.us/webmaps/jmap/>). A “help” icon on the map provides a basic orientation to the map. Contact City planning staff for assistance or a tutorial.

#### **Where do I submit my protest?**

Submit your written protest to the Planning staff. **During the COVID-19 pandemic, City Hall is closed. Submit all protests by email to [zoning@ci.wheatridge.co.us](mailto:zoning@ci.wheatridge.co.us).**

#### **When can a protest be submitted and when is it due?**

A protest may be submitted any time after a formal zone change application has been submitted to the City. Most often protests are submitted in the month leading up to the City Council public hearing which allows staff time to help a protester confirm they have met all requirements. If a protest is submitted after first reading (after the hearing date has been set), the public hearing will be automatically continued (or rescheduled). Protests are required to be submitted no later than the start of the City Council public hearing.

#### **What happens after a protest is submitted?**

Planning staff will review the submission to validate it and to confirm it meets the ownership and geographic requirements. This means staff will review the ownership records of the Jefferson County Assessor (<https://propertysearch.jeffco.us/>) and will conduct a mapping analysis to confirm whether or not the submitted protest(s) will trigger the super majority voting requirement.

If a protest is submitted after first reading (after the hearing date has been set), the public hearing will be automatically continued (or rescheduled).

#### **What if I change my mind?**

A protest may be rescinded by the same person who submitted it. You must rescind your protest in writing, prior to the public hearing being closed.

# ZONE CHANGE PROTEST (page 2)

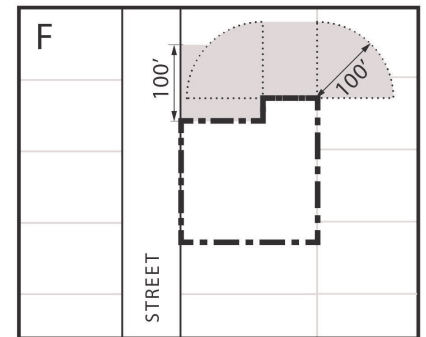
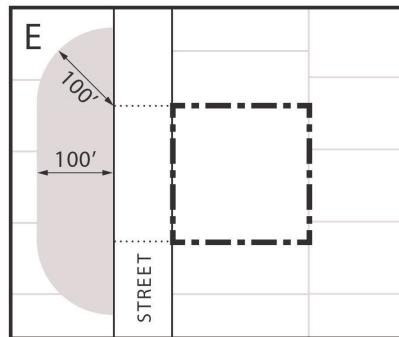
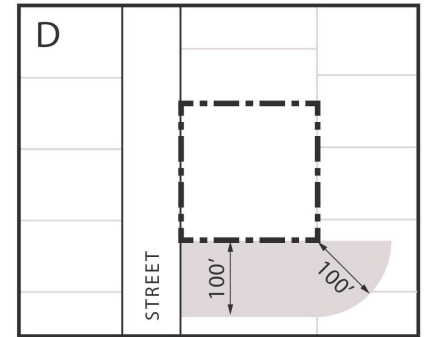
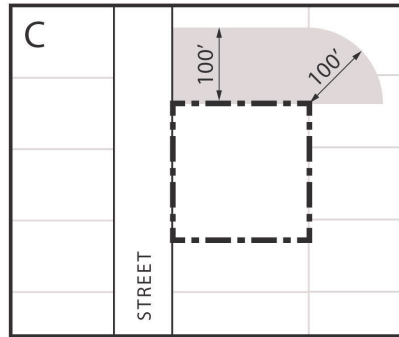
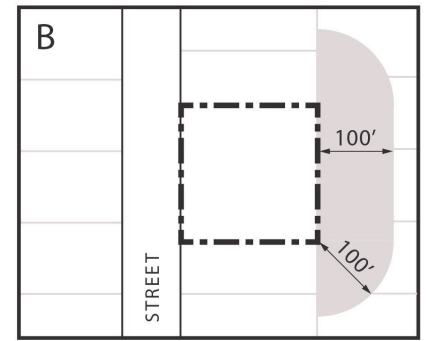
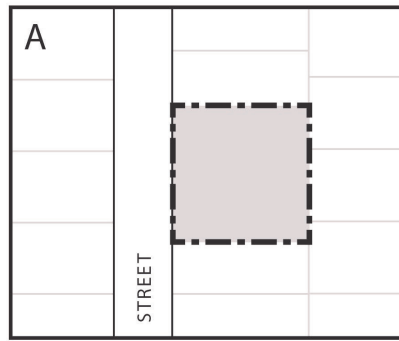
## Geographic Requirements

### Who can protest?

Anyone can submit an objection to a zone change, but in order to trigger a super majority vote a zone change protest must meet the area requirements outlined in the City Charter. This means protest(s) must be submitted by:

- 20% or more of property owners included within the property subject to a zone change (image A); or
- 20% or more of property owners immediately adjacent to the rear or any side of the subject property extending 100 feet (images B, C, and D); or
- 20% or more of property owners directly opposite the street extending 100 feet from the street frontage opposite the subject property (image E).

The denominators of these geographic requirements are illustrated in the image to the right. Image F shows how the area is determined with an irregular lot line. In each image, only 20% of the shaded area is required to trigger the super majority voting requirement. If you have any questions about how to determine the 20% threshold for a specific property, please contact Planning staff.



## Sample Protest Form

Sample language for a protest form is provided below. If multiple property owners are protesting, it is recommended that each owner sign a separate form. If property is owned jointly each property owner may submit a protest or jointly sign. If property is owned under an LLC or other entity, evidence of the signatory's authority should be provided. If property was recently purchased, a copy of the deed may be appropriate to enclose as County records are not always current. City code requires that staff promptly notify a protester of the validity of the protest; include phone and email for that purpose.

I, [owner name], owner of property located at [owner address], Wheat Ridge, Colorado, hereby protest against the proposed change in zoning for the property located at [address of zone change request].

[owner signature] [date]  
[owner phone number and email address]

## How can I make sure I did this right?

Planning staff are available to ensure protest requirements are being met. Validating a protest can sometimes be a time consuming process, depending on the size and shape of the property which is subject to the zone change request. Contact staff as early as possible if you have questions or to start the process of validating a protest. The code allows a period of time for the protest to be amended if it is not valid but it is still due prior to commencement of the public hearing.

## For questions...

Please contact the Community Development Department by phone or email with any questions. A Planner of the Day (POD) or the zone change case manager can help.

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