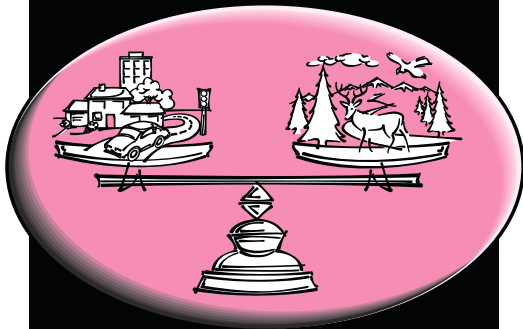


Jefferson County  
Planning & Zoning



# Rezoning Process

## Standard Zone District or Planned Development (PD)

*This guide describes the Rezoning Process for both a standard zone district and a Planned Development (PD). This guide should be used in conjunction with the Zoning Resolution.*

### Application Process

# GUIDES

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**This guide describes the highlighted process in the graphic below. Additional process guides are available for the other application types listed.**

All properties within Jefferson County have a zoning designation. The zoning designation establishes the type and intensity of the uses allowed on the property. When there is a desire by a property owner to change the uses allowed, a rezoning application may be submitted. Rezoning of property in Jefferson County is governed by the Zoning Resolution. Rezoning applications are presented to both the Planning Commission and the Board of County Commissioners in public hearings.

The Zoning Resolution allows an applicant to zone to either a Standard Zone District or to a Planned Development Zone District. The Standard Zone Districts in the Zoning Resolution list the permitted uses, accessory uses, and the lot and building standards that will be enforced during the development of the property. If a use or standard is proposed that is not covered by a Standard Zone District, or if a Standard Zone District does not adequately address the recommendations of the County's Comprehensive Master Plan, then a rezoning to a Planned Development Zone District may be the best option. The Planned Development Zone District is a versatile zoning mechanism allowing for innovative land development of any nature through total integrated project planning. The Planned Development zoning requires the preparation of a document known as an Official Development Plan, which outlines the uses and standards that will apply during the development of the property.

#### Exemption from Subdivision

Residential Structure Exclusion  
Exemption  
Minor Adjustment  
Multi-Family (see SDP)

#### Miscellaneous

Vacation  
Special District Service Plan  
Deeds

**A Rezoning process is required when a land use or development standard being proposed does not conform to the existing standards of the underlying zone district.**

#### Entitlement

##### Rezoning

Site Approvals  
Special Use  
Telecommunication Special Use  
Certificate of Designation

#### Subdivision

Preliminary and Final Plat  
Preliminary Plat  
Final Plat  
Rural Cluster

#### Development

Site Development Plan (SDP)  
Land Disturbance  
Floodplain  
Telecommunications Permit  
Building Permit

## Optional Pre-Application

The Pre-Application process was created to provide applicants with a quick review of development proposals based on limited information. The review is intended to provide information about the regulations and process that will assist an applicant in making key decisions about the development proposal prior to making a formal application. Refer to the Zoning Resolution and the Pre-Application Guide for additional details.

## Submittal Requirements

The submittal documents required for an application will vary based on the specifics of each unique application. Prior to the Formal Application, the case manager will provide the applicant with information identifying the type and number of required documents for the application. A complete explanation of the submittal requirements can be found in the Submittal Requirement Section of the Zoning Resolution.

# Rezoning Process

*The information provided below is intended to be a brief overview of the rezoning process. For a complete explanation of the rezoning requirements, please refer to the Zoning Resolution.*

### Step 1

#### Community Meeting

*This meeting should be conducted in the general vicinity of the property involved in the rezoning application and is intended to be a forum for an information exchange between an applicant and community members. The Community Meeting must be held prior to making a Formal Application. (Refer to the Zoning Resolution and the Community Meeting Guide for additional details)*

### Step 2

#### Sufficiency Review

*The applicant will submit one copy of each document required for the formal application. The assigned Case Manager will review the documents to determine if they are complete. The Case manager will then prepare a letter explaining any deficiencies in the submittal documents. The letter will include a referral matrix that identifies County divisions and other agencies that will receive submittal documents. The applicant shall revise the submittal information as may be required to comply with County standards.*

### Step 3

#### Formal Application Submittal

*The applicant shall submit all documents identified in the Case Manager's response to the Sufficiency Review.*

### Step 4

#### Referral Process

*The Zoning Resolution anticipates that an application will be sent out on two referrals before it is ready for the hearing process; however, at any time after the 1st Referral the Case Manager may decide that the application is in substantial conformance with all applicable regulations and is ready for hearing. Additional fees will be incurred for a third referral and any subsequent referral there after. The general referral steps are as follows:*

- 1. The Case Manager will refer the application and supporting documents to County divisions and other agencies.*
- 2. After the referral, the Case Manager will provide the applicant with a Staff response inclusive of referral agency responses, and will include a referral matrix for the next referral if applicable.*
- 3. The applicant will address, in writing, any issues identified by the Case Manager or any referral agency and resubmit revised documents for the next referral.*

### Step 5

#### Hearing Documents

*The hearing documents shall be identified by the Case Manager.*

### Step 6

#### Planning Commission Hearing

*The application will be presented to the Planning Commission in a public hearing. The Planning Commission will make a recommendation on the application to the Board of County Commissioners.*

### Step 7

#### Board of County Commissioners Hearing

*The application will be presented to the Board of County Commissioners in a public hearing. The Board of County Commissioners will approve or deny the application.*

### Step 8

#### Post Hearing Review (Planned Development Only)

*When the applicant complies with any approval conditions and submits the executed mylar and other final documents, staff will obtain the required county approval signatures and have the documents recorded.*

# Evaluation/Decision

A rezoning application is evaluated against the following criteria:

1. The compatibility of the permitted uses with existing and allowable land uses in the surrounding area.
2. The degree of conformance of the proposed zone change to applicable land use plans.
3. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area.

Additional evaluation criteria when rezoning to Planned Development:

4. The impacts of the proposed use upon property in the surrounding area and the ability of mitigating the negative impacts.

A rezoning application is presented to both the Planning Commission and the Board of County Commissioners at public hearings. The Planning Commission will review the request and Staff recommendation, receive testimony and evidence on the application, and will recommend approval, conditional approval, or denial of the request to the Board of County Commissioners. The Board of County Commissioners shall review the request, Staff recommendation and Planning Commission recommendation, receive testimony and evidence on the application, and will approve, conditionally approve, or deny the application.

Note: During the hearing process, the Planning Commission or the Board of County Commissioners may vote to continue the application to a subsequent public hearing. The most common reasons for a continuance are: 1) To provide for additional public testimony, 2) To allow for the applicant or Staff to address concerns related to an application, 3) at the request of the applicant.

# Community Involvement

Keeping the public informed of development applications is a high priority in Jefferson County. Notification requirements for a rezoning application include community mailing, sign posting and newspaper publication. The following summarizes the notification required at different stages of the application and the method by which the public may provide input:

- **Community Meeting** – The notification for a Community Meeting will be through community mailing and sign posting. The purpose of the Community Meeting is for the applicant to present their proposal to the community. The community will have an opportunity to ask questions and make suggestions on the proposal. The applicant may choose to amend the application request based on the comments received.

- **Formal Application** – The notification at the time of Formal Application is by community mailing. This mailing notifies the public that an application has been submitted and that documents related to the application are available for review. Any comments submitted by the public will be provided to the applicant and will also be included as a part of the staff report prepared for the public hearing. Again, the applicant may choose to amend the application request based on the comments received.
- **Public Hearing(s)** – Notification for Public Hearing(s) will be through community mailing, sign posting and newspaper publication. Any member of the public may testify on an application in a Public Hearing. The public may also send in letters or comments to the case manager. All comments received throughout the application process will be included as a part of the staff report prepared for the Public Hearing(s).

*Note: The notification requirements are explained in detail in the Zoning Resolution and the Notification Guide.*

## What role do public comments play in the process?

**Applicant:** The applicant may choose to amend the application request based on the comments received by the public.

**Staff:** Staff will review the comments and may provide suggestions to the applicant in order to address the public comments; however, the basis for a recommendation by Staff on the application is limited to the criteria identified above in the Evaluation/Decision section.

**Planning Commission and Board of County Commissioners:** The Planning Commission and the Board of County Commissioners will consider public comments, and may use those comments as a factor in their decision on an application.

# Official Development Plan Format

## (if rezoning to Planned Development only)

The main component of an ODP is the written restrictions that identify the uses and standards for the subject property. A graphic may also be required by Planning and Zoning to show the configuration of use areas and other features. The typical format for the ODP (with a graphic) is a 24" X 36" size document; however, a smaller format may be allowed at the discretion of Planning and Zoning.

### Written Restrictions:

The written restrictions serve to establish the specific regulations and requirements for the lot or parcel. The written restrictions shall list permitted and accessory uses, and may include specific standards for signs, fences, lighting, parking, buildings, lots, architecture, open space and landscaping. The written restrictions may also address general provisions dealing with animals, pollution control, hours of operation, etc.

### Graphic Portion:

When required, the graphic shall depict the layout of the parcel and proposed use areas, and may show other features such as the location of existing buildings, buildable and non-buildable areas, hazard areas; etc.

The graphic shown below indicates the preferred layout of an Official Development Plan that includes both a graphic and written restrictions. This example is provided for general reference only and should not be duplicated. Refer to the Zoning Resolution for additional format requirements.

