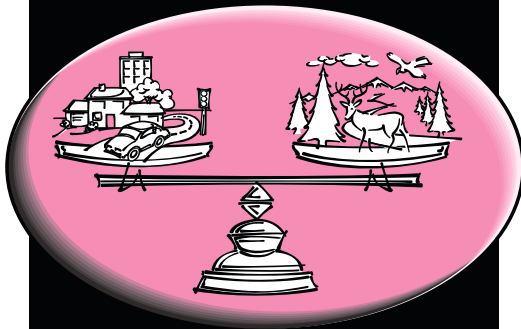


Jefferson County
Planning & Zoning

Special Use Process



This guide describes the Special Use Process (SUP). 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. This zoning designation establishes the type and intensity of the uses allowed on the property. The standard zoning designations in the Zoning Resolution also identify additional uses that may be considered for properties called Special Uses. Special Uses are uses that could potentially occur depending on the impacts to and compatibly with the surrounding area. Consideration of how impacts to the surrounding area can be mitigated is also a part of the special use review. The parcel subject to the special use must conform to the minimum lot and building standards of the underlying zone district. The regulatory requirements for a Special Use application are located in the Zoning Resolution. Special Use applications are presented to both the Planning Commission and the Board of County Commissioners in public hearings.

Exemption from Subdivision

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

Entitlement

Rezoning
Site Approvals
Special Use
Telecommunication Special Use
Certificate of Designation

A Special Use process is required when a land use desired by a property owner is listed as a Special Use within a standard zone district requirements within the Zoning Resolution.

Miscellaneous

Vacation
Special District Service Plan
Deeds

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.

Special Use Process

The information provided below is intended to be a brief overview of the Special Use process. For a complete explanation of the Special Use 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:

The Case Manager will refer the application and supporting documents to County divisions and other agencies.

- 1. 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.*
- 2. 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

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

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 Special Use application is evaluated against the criteria listed below. The Special Use application is not reviewed against the recommendation of the Comprehensive Master Plan.

1. The impacts of the proposed use upon property in the surrounding area, including but not limited to:

- Traffic impacts, volume of trips, safety and access
- Fire Hazards
- Visual and aesthetic impact, including bulk, scale of buildings as they relate to the surrounding uses
- Solar Access
- Noise
- Geologic Hazards
- Drainage, erosion and flood hazards
- Radiation Hazards
- Community Character
- Adequate water quality and quantity and sewage disposal availability
- Availability of public facilities to serve the proposed use

2. The availability of methods to mitigate any negative impacts of the proposed use upon the surrounding area, including, but not limited to, construction of necessary public facilities.

3. The compatibility of the proposed use with existing and allowable land uses in the surrounding area.

4. The effects upon the health, safety and welfare of the residents in the surrounding area.

A Special Use 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 Special Use 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 Hearings** – Notification for Public Hearings 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 Hearings.

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.

Special Use Format

The main component of a Special Use Document 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 Special Use Document (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: 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 a Special Use. This example is provided for general reference only and should not be duplicated. Refer to the Zoning Resolution for additional format requirements.

