

## **Section 19: P-D Planned Development District**

(orig. 5-24-65; am. 4-20-10)

### **A. Intent and Purpose**

The Planned Development (P-D) Zone District is a versatile zoning mechanism allowing for land development of any nature (residential, commercial, conservation, mining, industrial, public or quasi-public, etc.) either as a single use or in combination, through total integrated project planning. (orig. 5-24-65; am. 12-17-79; am. 6-1-93)

### **B. Permitted Uses**

1. The Planned Development Zone District may include uses of any nature (residential, commercial, conservation, mining, industrial, public or quasi-public, etc.) (orig. 6-1-93)
2. The permitted uses and standards for a particular Planned Development Zone District are those which were approved by the Board of County Commissioners through the Planned Development Zoning case and included in the Official Development Plan (ODP). (orig. 6-1-93)
3. Minimum parking, height, setback, and area regulations shall be specified for the overall site with regard to those limitations established on similar uses in other Jefferson County Zone Districts and with regard to compatibility with surrounding development. Varied regulations for any aspect may be established. (orig. 5-24-65; am. 1-3-73; am. 6-20-77; am. 8-8-77; am. 12-17-79; am. 6-1-93)

### **C. Procedure, Plan Submittal, and Consideration**

1. Interpretation and enforcement of the Planned Development Zone District shall be the duty of the Zoning Administrator or his/her appointed designee. (orig. 6-1-93; am. 12-17-02)
2. All Planned Development District Rezoning applications shall be filed in accordance with the procedures and limitations contained in the Administrative Provisions Section of this Zoning Resolution. (orig. 6-1-93; am. 7-11-06)
3. In reviewing Planned Development Rezoning applications, the Planning Commission and the Board of County Commissioners may consider the following criteria. (orig. 6-1-93)
  - a. All impacts of the proposed use upon property in the surrounding area. (orig. 6-1-93)
  - b. The availability and feasibility of methods of mitigating the negative impacts of the proposed use upon the surrounding area. (orig. 6-1-93)
  - c. The compatibility of the proposed use with existing and allowable land uses in the surrounding area. (orig. 6-1-93)
  - d. The degree of conformance to applicable land use plans. (orig. 6-1-93)
  - e. The effect upon health, safety, and welfare of the residents and landowners in the surrounding area. (orig. 6-1-93)
  - f. The criteria set forth in the "Purpose" portion of the Administrative Provisions Section of this Zoning Resolution and the state law. (orig. 6-1-93; am. 7-11-06)
  - g. The adequacy of the public services available to serve the proposed use. (orig. 6-1-93)
4. Commissioners requirements and limitations, restrictions or other conditions and features felt to be reasonable and necessary to ensure that the development is compatible with the existing and allowable land uses in the surrounding areas and will not adversely affect the health, safety, and welfare of the residents and landowners in the surrounding area. Requirements may be recommended to insure that the proposed development will not result in undue traffic congestion or traffic hazards; be adequately landscaped, buffered and screened, and eliminate as many

undesirable characteristics as possible in its effect on nearby development. Among the conditions the Planning Commission is authorized to recommend and the Board of County Commissioners is authorized to require as mitigation are the following. (orig. 5-24-65; am. 12-17-79; am. 6-1-93)

- a. Where traffic studies show the proposed development will result in a traffic hazard or a substantial degradation of the existing level of service, a requirement that the development be phased consistent with planned road improvements. As an alternative, the applicant may elect to construct to County standards improvements necessary to maintain an adequate level of service based on the traffic volumes projected by the traffic study. (orig. 6-1-93)
- b. Landscaping, screening and/or buffering. (orig. 6-1-93)
- c. Restrictions on lighting, signs, parking, fencing, and architectural design. (orig. 6-1-93)
- d. Building envelope placement to ensure compatibility with the existing and allowable land uses in the surrounding area and to protect wildlife habitat, scenic views, and other environmental qualities in the area. (orig. 6-1-93)
- e. Any restrictions or conditions agreed to by the applicant. (orig. 6-1-93)
- f. Any other reasonable restrictions or conditions, authorized by law, that are necessary to render the proposal compatible with existing uses in the surrounding area, uses allowed under the current zoning and the comprehensive plan, and to preserve identified environmental features. (orig. 6-1-93)

**D. Planned Development For Mining:**

1. All mining proposals that are outside the Mineral Conservation (M-C) Zone District must submit a Planned Development District application for consideration by the County. (orig. 6-1-93)
2. The applicant may be required to submit such studies as are necessary to determine whether the proposal complies with the applicable portion of the General Land Use Plan, applicable community plan, and the site development policies in the Mineral Extraction Policy Plan. Such studies may include, but are not limited to the following: (orig. 6-1-93; am. 12-17-02)
  - a. Visual impact study. (orig. 6-1-93)
  - b. Open Space resources study. (orig. 6-1-93)
  - c. Air quality study. (orig. 6-1-93)
  - d. Noise study. (orig. 6-1-93)
  - e. Water quality and quantity study. (orig. 6-1-93)
  - f. Wildlife and vegetation study. (orig. 6-1-93)
  - g. Geologic report. (orig. 6-1-93)
  - h. Traffic impact study. (orig. 6-1-93)
  - i. Blasting study. (orig. 6-1-93)
  - j. Historic resources, archeological and paleontological study. (orig. 6-1-93)
  - k. Fire protection study. (orig. 6-1-93)
  - l. Reclamation study. (orig. 6-1-93)
  - m. Soil report. (orig. 6-1-93)
  - n. Radiation study. (orig. 6-1-93)

- o. Core drilling sample report. (orig. 6-1-93)
3. The Planning Commission and/or the Board of County Commissioners may request studies or reports by independent experts on technical matters on which there has been a conflict in testimony or on which the Planning Commission and/or the Board of County Commissioners, in its discretion, determines there is a need for clarification. (orig. 6-1-93)
    - a. The need for and scope of such studies or reports shall be determined solely by the Planning Commission or the Board of County Commissioners with input from the applicant and all interested parties. (orig. 6-1-93)
    - b. The Planning Commission and the Board of County Commissioners may seek input from the applicant and the general public to identify appropriate expert(s). If the applicant and concerned citizens are unable to agree on an expert within 30 days of the date on which such input is sought by the Planning Commission and/or the Board of County Commissioners, then the case manager shall assist the Planning Commission or the Board of County Commissioners in selecting an independent expert in the relevant field. (orig. 6-1-93)
    - c. The issues to be resolved for the Planning Commission or the Board of County Commissioners shall be listed in writing and transmitted to the independent expert(s) by the case manager. Neither the applicant nor any member of the public shall contact any independent expert retained by the County except in public hearings. (orig. 6-1-93)
    - d. Such expert(s) shall be compensated by the County with funds provided by the applicant. The applicant shall make an amount not to exceed \$30,000 available to Jefferson County for all such independent review upon the request of the Planning Commission and/or the Board of County Commissioners. The funds may be utilized to compensate for all time spent reviewing the case, formulating and writing an opinion, testifying at hearings, and any other reasonably related time or out-of-pocket expense. Any amount not expended for technical review shall be refunded to the applicant at the completion of the Rezoning process. (orig. 6-1-93; am. 12-17-02)
    - e. The results of independent technical review shall be presented at a public hearing. The applicant, citizen opponents, and any other interested party shall have an opportunity to comment on the results of the independent review. The Planning Commission and the Board of County Commissioners, in their discretion, may submit follow-up questions to the experts based on the comments of the applicant and others. (orig. 6-1-93)
  4. The substantive requirements and provisions of this section and the Mineral Extraction Policy Plan, as well as any other relevant plans, policies, studies, and factors shall be considered by the Planning Commission and the Board of County Commissioners in determining whether to Rezone to Planned Development for mining and in formulating the Planned Development restrictions if the property is rezoned. In the case of mining pursuant to Planned Development zoning, no Special Exception for mining shall be required from the Board of Adjustment. (orig. 5-24-65; am. 1-13-75; am. 6-20-77; am. 12-17-79; am. 6-1-93; am. 12-17-02)
  5. In addition to those conditions otherwise authorized by law, the Planning Commission is authorized to recommend and the Board of County Commissioners is authorized to impose conditions of approval to implement the site development policies in the Mineral Extraction Policy Plan and any other applicable plan, policy or study. Such conditions may include, but are not limited to the following. (orig. 6-1-93; am. 12-17-02)
    - a. Mine plan restrictions. (orig. 6-1-93)
    - b. Site and design criteria for structures. (orig. 6-1-93)
    - c. Coloring and siting requirements for machinery, equipment, and structures. (orig. 6-1-93)
    - d. Haul road and other internal road specifications, and specifications for on-site conveyance systems. (orig. 6-1-93)

- e. Dust abatement measures. (orig. 6-1-93)
  - f. Blasting limitations. (orig. 6-1-93)
  - g. Monitoring requirements. (orig. 6-1-93)
  - h. Water quality and quantity protection measures, including drainage and erosion control structures. (orig. 6-1-93)
  - i. Wildlife habitat protection measures. (orig. 6-1-93)
  - j. Measures to protect archeological, historic, and significant geologic sites. (orig. 6-1-93)
  - k. Limitations on hours of operation. (orig. 6-1-93)
  - l. Limitations on hours of truck hauling, number of truck trips, and haul routes. (orig. 6-1-93)
  - m. Reclamation provisions to the extent not expressly preempted by the Colorado Mined Land Act. (orig. 6-1-93)
  - n. Mitigation measures recommended in the studies or reports submitted during the hearings or with the application. (orig. 6-1-93)
  - o. Restrictions on after uses and specifications for the land contours, landscaping or other visual features required for that use. (orig. 6-1-93)
6. When the Official Development Plan designates an after use for which Platting is required under the Land Development Regulations, the property must be Platted prior to the issuance of a Building Permit to construct any structure or building for such use. (orig. 6-1-93; am. 12-17-02)

#### **E. Site Plan Review**

- 1. Prior to commencement of any mining activity or topographical alterations, a site plan must be submitted to Planning and Zoning which demonstrates that the mine and all accessory operations will comply with the requirements of the Official Development Plan and other County regulations. (orig. 6-1-93; am. 6-29-04; am. 5-20-08)
- 2. The site plan or accompanying reports and documentation shall include the following. (orig. 6-1-93)
  - a. Evidence of the existence of a water supply which complies with all State and County laws and regulations. (orig. 6-1-93)
  - b. Sewage disposal provisions which comply with all State and County laws and regulations. (orig. 6-1-93)
  - c. Provisions for adequate water supply and emergency access for fire suppression and evidence of compliance with applicable fire codes. (orig. 6-1-93)
  - d. A Phase III drainage report consistent with the Storm Drainage Design and Technical Criteria Manual. (orig. 6-1-93; am. 12-17-02)
  - e. A plan for circulation which demonstrates compliance with all County and State Highway or road access requirements. (orig. 6-1-93)
  - f. Evidence that the area will be free from such radiation levels as the State Health Department has determined to be hazardous to the public health. (orig. 6-1-93)
  - g. Plans consistent with the requirements or restrictions in the Official Development Plan depicting areas to be mined, fencing, lighting source and type, building locations, access, outdoor storage locations and provisions, sign locations, buffer areas, process plant location and screening, stockpile locations and screening, storage of blasting supplies, sediment

- ponds, monitoring stations, permanent conveyors and associated maintenance roads, and overhead utility lines. (orig. 6-1-93)
- h. Reclamation plans and after use site design plans, including landscaping, consistent with the requirements of the Official Development Plan and the Colorado Mined Land Reclamation Board Permit. (orig. 6-1-93)
  - i. A final operational mine plan consistent with the Official Development Plan depicting method of mining, bench orientation, direction of mining and concurrent reclamation plans. (orig. 6-1-93)
  - j. Detailed plans for all monitoring required by the Official Development Plan, including the location of monitoring stations, frequency of monitoring and criteria for monitoring. (orig. 6-1-93)
  - k. All state and federal permits required for the mining operation. (orig. 6-1-93)
3. The site plan shall be reviewed by the Director of Planning and Zoning for conformance with the Official Development Plan and other County regulations. (orig. 6-1-93; am. 12-17-02; am. 12-21-10)
    - a. Upon receipt of a site plan, the Director of Planning and Zoning shall cause notice of filing of the site plan to be posted on the property, which shall indicate that there is a 60 day period commencing on the date of posting to submit written comments to the Director of Planning and Zoning concerning the site plan. (orig. 6-1-93; am. 12-17-02; am. 12-21-10)
    - b. The applicant shall deposit 10 copies of the site plan with Planning and Zoning. Five copies of the site plan shall remain at Planning and Zoning. Five copies shall be deposited at public libraries in the area of the proposal. The copies shall be available to the public to check out for a two week period. orig. 6-1-93; am. 12-17-02; am. 6-29-04; am. 5-20-08)
    - c. After the close of the comment period, the Director of Planning and Zoning shall determine whether the site plan conforms to the requirements herein and may request such changes as are deemed necessary to render the plan in conformance. (orig. 6-1-93; am. 12-17-02; am. 12-21-10)
  4. The Director of Planning and Zoning decision on the site plan may be appealed to the Board of Adjustment under the provisions set forth in the Board of Adjustment Section of this Zoning Resolution. (orig. 6-1-93; am. 12-17-02; am. 7-11-06)
  5. After approval of a site plan, the Director of Planning and Zoning may approve minor modifications to the site plan so long as such modifications are consistent with the overall intent of the Official Development Plan and do not result in adverse impacts that were not considered at the time of zoning approval. (orig. 6-1-93; am. 12-17-02; am. 12-21-10)

#### **F. General Requirements**

1. Multiple buildings per lot, except for single-family detached structures, are allowed only for property platted pursuant to the Land Development Regulation. (orig. 3-8-82; am. 12-17-02)
2. The "General Requirements" portion of each of the standard zone districts of this Zoning Resolution as amended at the time an applicable permit is issued, together with their parking, fencing, signage, and other regulations and requirements shall be applicable to all comparable areas in the Planned Development Districts unless otherwise specified in the particular Official Development Plan. (orig. 1-17-84; am. 6-1-93)
3. No Official Development Plan shall be approved which contains restrictive or protective covenants which limit the transfer, rental, or lease of any housing because of race, creed, religion, color, sex, marital status, national origin or ancestry or handicap as prohibited by C.R.S. 1973, 24-34-502 and Title VIII of the Fair Housing Act of 1968, 42 U.S.C. S 3604(c) or as amended. (orig. 5-12-81; am. 6-1-93; am. 12-17-02)

4. Upon approval of any Planned Development by the Board of County Commissioners, the written conditions or restrictions and the appropriate accompanying graphic documentation shall be filed with the Clerk and Recorder as an Official Development Plan as set forth in the Administrative Provisions Section of this Zoning Resolution. (orig. 6-1-93; am. 12-17-02; am. 7-11-06)
5. A sexually oriented business shall not be located in a Planned Development Zone District unless such use was specifically listed in the Official Development Plan (ODP) prior to July 8, 1997, the effective date of this Resolution, or unless the Permitted Uses set forth in the Official Development Plan refer to and incorporate the uses permitted in the C-2, I-1, I-2, I-3, and I-4 Zone Districts of this Zoning Resolution. (orig. 7-8-97; am. 12-17-02; am. 7-11-06)
6. All other general requirements and/or provisions of this Zoning Resolution shall apply to Planned Developments unless otherwise specified in the particular Official Development Plan. (orig. 1-17-84)
7. Use of Open Space Designated Lands
  - a. Unless otherwise specified within the Official Development Plan, permitted uses in areas designated in the Planned Development Zone District as open space, conservation, preservation, or other similar term, are limited to the following. (orig. 8-31-93)
    - (1) Passive recreation, defined as activities which use the land with minimal disturbance and which do not utilize structures or permanently installed equipment. (orig. 8-31-93)
    - (2) Recreational trails for non-motorized use, except that motorized wheelchairs are permitted. (orig. 8-31-93)
    - (3) Perimeter fence with a maximum height of 42". (orig. 8-31-93)
    - (4) Signs 6 square feet or less that are accessory to a permitted open space use. (orig. 8-31-93)
    - (5) Structures under 250 square feet for restrooms, picnic shelters, maintenance equipment storage or other use accessory to a permitted open space use. (orig. 8-31-93)
    - (6) Properly managed grazing of horses, cattle, sheep, goats, wildlife or other grazing or browsing animals. (orig. 8-31-93)
    - (7) Forest management activities designed to promote healthy and aesthetic forests. (orig. 8-31-93)
  - b. Rezoning or Site Approval as otherwise allowed under this Zoning Resolution or State law, shall be required for parking areas, interior fences, access drives, and active recreation which requires permanently installed equipment, structures larger than 250 square feet or any other use not set forth above. (orig. 8-31-93)