Section 1: Administrative Provisions

(orig. 5-6-46; am. 2-6-84)

A. Purpose

In pursuance of the authority conferred by Chapter 92, Session Laws of Colorado, 1939, this Zoning Resolution is enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of Jefferson County by lessening the congestion in streets or roads, securing safety from fire and other dangers, providing light and air, avoiding undue congestion of population, facilitating the adequate provision of transportation, water, sewage, schools and other public requirements, securing protection of the tax base, and by other means in accordance with a Comprehensive Plan. (orig. 5-6-46; am. 4-20-10)

B. When Effective

This Zoning Resolution shall be in effect from and after its passage. (orig. 5-6-46)

C. Repeal

The Zoning Resolution is passed and adopted February 3, 1941, and all other Resolutions in conflict with the provisions of this Zoning Resolution are hereby repealed. (orig. 5-6-46; am. 12-17-02)

D. Validity

Should any section, clause, sentence or part of this Zoning Resolution be adjudged by any Court or competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the Zoning Resolution as a whole or any part thereof, other than the part so declared to be invalid. (orig. 5-6-46)

E. Violation and Penalty

1. Any person, firm partnership, joint venture, association or corporation violating any regulation of this Zoning Resolution shall be subject to the penalties provided in C.R.S. § 30-28-124 and 30-28-124.5. (orig. 5-6-46; am. 12-17-02; am 6-27-06; am. 10-13-09)
2. In case of a violation of this Zoning Resolution, the Board of County Commissioners, the County Attorney, or any owner of real estate in the zoned area may institute injunction proceedings to halt such violation. (orig. 5-6-46; am. 12-17-02)
3. Any person, firm or corporation failing to obtain the required zoning approval and/or permit(s) as required by this Zoning Resolution and having submitted an application for a process to correct such violation, shall be required to pay an additional fee in an amount established by the Board of County Commissioners (orig. 5-3-94; am. 12-17-02; am. 10-13-09)

F. Interpretation

1. In interpreting and applying the provisions of this Zoning Resolution, they shall be held to be the minimum requirements for the promotion of the health, safety and welfare. It is not intended by this Zoning Resolution to interfere with or abrogate or annul any easements, covenants or agreements between parties; provided however, that wherever this Zoning Resolution imposes a greater restriction upon the use of buildings or land or upon the location or height of buildings or structures or required larger open spaces about buildings than are imposed or required by other laws, resolutions or by easements, covenants or agreements between parties, the provisions of this Zoning Resolution shall govern. If there is a conflict between sections in this Zoning Resolution that were adopted at different times, the most recent amendment applies. (orig. 5-6-46; am. 12-17-02; am. 4-20-10)
2. Restrictive or protective covenants which contain any specification limiting the transfer, rental, or lease of any housing because of race, creed, religion, color, sex, marital status, national origin or ancestry or handicap are prohibited by C.R.S. 1973, 24-34-502 of Title VIII of the Fair Housing Act of 1968, 42 U.S.C. 3604 (c), or as amended. (orig. 5-12-81; am. 12-17-02)

G. Zoning Maps

1. Adoption and Recording

   The computer generated Zoning Maps, which together with this Zoning Resolution constitute the Zoning Plan of Jefferson County, as amended, are hereby declared to be the official

Jefferson County Zoning Maps. The zone districts set forth on the Zoning Maps are hereby and herewith adopted and approved, except that in the case of a conflict between the zone district depicted on the Jefferson County Zoning Maps and the zone district adopted at a hearing pertaining to a particular parcel of property or shown in other official documents of Jefferson County, the latter shall control. Planning and Zoning shall maintain on file true and correct copies of all official Jefferson County Zoning Maps. This version of the zoning maps, as of the date of adoption, will be recorded with the Clerk and Recorder's Office. (orig. 5-6-46; am. 11-14-55; am. 8-2-60; am. 7-10-79; am. 8-18-92; am. 3-28-00; am. 12-17-02; am. 4-27-04)

2. Zone District Designations

   a. Zone District Classification

      The zone district for any piece of property within the unincorporated area of the County is shown on the appropriate zoning map by a letter and/or number symbol corresponding to the appropriate zone district classification as set forth in Section 17 of this Zoning Resolution. (orig. 7-10-79; am. 12-17-02)

   b. S.T.P. or S.T.C.

      (1) Where the zone district classification symbol is followed by the symbol "S.T.P.," the zone district shown thereon was approved by a Rezoning resolution subject to platting. No building permits will be issued until such time as said condition has been fulfilled. Said condition of platting is fulfilled upon the recordation of a plat approved by the Board of County Commissioners or upon the recordation of a Platting Exemption Agreement after approval of the exemption by the Board of County Commissioners. (orig. 7-10-79)

      (2) Where the zone district classification symbol is followed by the symbol "S.T.C.," the zone district shown thereon was approved by a Rezoning resolution subject to conditions. No building permits will be issued until such time as said condition has been fulfilled. The Zoning Administrator or his/her appointed designee is hereby empowered to determine whether said condition(s) has (have) been fulfilled. Upon an adverse decision of said Zoning Administrator or his/her appointed designee, the aggrieved party may appeal the decision to the Board of Adjustment for review pursuant to the provisions of Section 4 of this Zoning Resolution. (orig. 7-10-79; am. 12-17-02)

   c. Rezoning Case Number

      (1) The Rezoning case number, if any, shall appear on the map following the zone district classification symbol and any S.T.P. or S.T.C. designation. (orig. 7-10-79; am. 12-17-02)

      (2) If no Rezoning case number appears following the zone district classification symbol, the zone district shown for that property is the original zoning on said property according to the official documents of Jefferson County. (orig. 7-10-79; am. 8-18-92)

3. Amendment of Zoning Maps

   It shall be the responsibility of the Zoning Administrator or his/her appointed designee to keep, revise, and maintain the Jefferson County Zoning Maps. Revision shall be made upon the receipt of a certification of a zone district classification change from the Clerk to the Board of County Commissioners or upon determination by the Zoning Administrator or his/her appointed designee that there is an error in the official zoning maps, based on the official documents of Jefferson County. The Zoning Administrator or his/her appointed designee shall also revise said maps upon receipt of a certification by the County Clerk and Recorder that an approved Subdivision Plat or Platting Exemption Agreement has been recorded covering the subject property. The S.T.P. designation shall be removed upon such certification. The S.T.C. designation shall be removed upon certification of fulfillment of the condition(s) by the Zoning Administrator or his/her appointed designee. (orig. 7-10-79; am. 8-18-92; am. 12-17-02)

4. Geologic Hazard (G-H) and Floodplain (F-P) Overlay Zone District Maps

   The special floodplain study maps showing the boundaries of the various Floodplain Overlay Zone Districts as they have been adopted or as they may be adopted in connection with each

Rezoning case which places all or a portion of the 100-year floodplain of any stream within the Flood Plain Overlay Zone District, and the special series maps showing the boundaries of the various Geologic Hazard Overlay Zone Districts, are hereby declared to be a part of the Zoning Plan of Jefferson County and are the official Zoning Maps of Jefferson County for purposes of the delineation of the aforementioned zone district boundaries. (orig. 7-10-79)

H. Applicability To Government Facilities

1. The permitted uses and the lot and building standard provisions of this Zoning Resolution shall not apply to buildings, facilities or uses owned or operated by the government of the United States, State of Colorado or any political subdivision thereof provided that: (orig. 9-16-85; am. 4-20-10)

   a. No state or federal law, statute or regulation requires such building, facility or use to comply with local zoning regulations. (orig. 9-16-85)

   b. Such building, facility or use has been reviewed pursuant to the provisions of Section 30-28-110(1), C.R.S. or as amended. (orig. 9-16-85)

   c. Such building, facility or use provides or fulfills a governmental (nonproprietary) function which the governmental owner/operator is legally authorized to provide. (orig. 9-16-85; am. 12-17-02)

   d. A Land Disturbance permit has been issued for the construction of onsite and/or offsite improvements related to the proposed development, unless said improvements have been obtained through another County development process. The Land Disturbance permit shall be a Notice of Intent, unless the provisions of the Land Disturbance Section of this Resolution require a full Grading Permit. The Land Disturbance permit shall include improvements typically required for the development of land as identified in the Land Development Regulation and shall be approved prior to issuance of a building permit. The permit shall meet the normal improvement security requirements identified in the Land Disturbance Section, with the exception that any public improvements that will be taken over for maintenance by the County will be required to have an improvement security. (orig. 7-11-06; am. 4-20-10; am. 12-21-10)

   e. Such building, facility or use has all applicable permits including but not limited to building, fence, sign, floodplain and miscellaneous permits required by this Zoning Resolution. (orig. 4-20-10)

2. Where subsequent private use of buildings or facilities originally erected and used in legal noncompliance with this Zoning Resolution by virtue of this exemption is substantially the same in nature as the prior governmental use, such subsequent use shall be considered a legal nonconforming use and shall be administered pursuant to the provisions of Section 6 of this Zoning Resolution. (orig. 9-16-85)

3. For purposes of this section, "facility" shall not include any open mining of gravel, gravel excavation, crushing or stockpiling conducted by the County pursuant to the County Gravel Mining, Crushing and Stockpiling Section of this Zoning Resolution. (orig. 4-18-89; am. 12-17-02; am 5-20-08)

I. Submittal Requirements

1. Intent and Purpose

   The purpose of this section is to provide applicants with a clear description of the documents that will be required to be submitted for specific development processes. This section differentiates between documents that must be submitted as a part of the development application, those documents that must be submitted prior to hearing or determination, and those documents that need to be submitted after hearing or determination. This section also identifies required submittal documents and additional documents that are required based on the specific circumstances of the proposed development. (orig. 4-20-10)

2. Requirements

   a. The tables within this section identify the submittal requirements for each specified application type. Each document is listed as either a **required document (R)** or an **additional document (A)**. A **required document** is a document that is required to be

submitted for a specific application. An **additional document** is a document that can be required by the Case Manger based on the specific circumstances of the application. (orig. 4-20-10)

b. Any submittal documents that have been submitted and approved as a part of a previous development application will not have to be resubmitted as long as the previous documents are applicable to the property being developed and are in compliance with current County regulations. In addition, the circumstances related to the development have to be consistent to the circumstances of the previous application during which the documents were originally submitted. (orig. 4-20-10)

c. The Case Manager, the Planning Commission or the Board of County Commissioners may require the applicant to submit additional documents, not listed in the tables below, in response to unique circumstances or based upon information received from referral agencies or other sources. (orig. 4-20-10)

d. **Proof of Access**: Prior to acceptance of a Formal Application, Planning and Zoning must verify that all of the access locations that will be utilized to serve the proposed development meet the criteria listed below. The Director of Planning and Zoning may allow the formal application to be accepted without meeting the criteria below, if in his/her opinion the circumstances related to proving access should be finalized during the processing of the development application. (orig. 4-20-10; am. 12-21-10)

(1) Evidence must be submitted demonstrating that the applicant has right of access in accordance with the Access Standards of Section 2 of the Zoning Resolution and the following: (orig. 4-20-10)

(a) The provision for “road of record” may only be considered for applications that meet the conditions listed below. The determination of “road of record” for a development process shall be made by the Director of Planning and Zoning. (orig. 4-20-10; am. 12-21-10)

(a-1) Any application where the proposal does not increase the number of existing building sites and where there are existing properly permitted dwelling structures within the building sites. (orig. 4-20-10)

(a-2) Any application where the proposal does not increase the number of existing building sites within a platted subdivision, regardless of whether there are existing properly permitted dwelling structures. (orig. 4-20-10)

(b) If a development is proposing to create or authorize additional lots or building sites, then the access must be shown to be transferable to the future owners within the development. (orig. 4-20-10)

(2) The required width of the access right must be in accordance with the Access Standards of Section 2 of the Zoning Resolution, unless a variance or a minor variation has been granted. In cases where a variance or a minor variation is being considered, the evaluation will include a review of the physical location of the access and the physical standards of the access. (orig. 4-20-10)

Note: The physical location of an existing access and the physical standards of an existing access, shall be described as a part of this proof of access review, however, the resolution of any issues that arise related to the physical location or standards will be resolved at the time of processing the application, except as described above. (orig. 4-20-10)

e. An applicant should review the submittal requirements with Planning and Zoning prior to submitting an application. A review of the submittal requirements can be accomplished by meeting with Staff and discussing the proposed application, or by going through the Pre-Application Review Process. (orig. 4-20-10)

f. The Director of Planning and Zoning may waive submittal requirements for Rezoning and Special Use applications if the information would not materially aid in reviewing the application. (orig. 10-25-05; am. 5-20-08; am. 4-20-10; am. 12-21-10; am. 9-27-11)

g. The Zoning Administrator may waive submittal requirements for a Site Development Plan if the information would not materially aid in reviewing the application. (orig. 7-23-02; am. 12-

17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 4-20-10; am. 9-27-11)

h. All documents submitted for a referral process must be collated and packaged by the applicant. The applicant is responsible the postage required to mail the referral documents to outside reviewing agencies. (orig. 4-20-10)

i. The submittal requirements for the Pre-Application Review Process are listed in the Pre-Application Review Process section of this Regulation. (orig. 4-20-10)

j. The submittal of notification documents is required in accordance with the Notification section of this Regulation. (orig. 4-20-10)

k. The table below identifies the documents that are to be submitted as a part of the development application. (orig. 4-20-10; am. 9-27-11; am. x-xx-xx)

	Document Type **Table Key** R – A document that is required to be submitted for an application A – A document that can be required by the Case Manager based on the specific circumstances of an application	**Rezoning to Standard Zone District**	**Rezoning to Planned Development**	**Special Use**	**Site Development Plan (Non-Residential)**	**Site Development Plan (Multi-Family)**
1.	Application Form	R	R	R	R	R
2.	Application and Referral Fees	R	R	R	R	R
3.	Cover Letter	R	R	R	R	R
4.	Proof of Ownership	R	R	R		
5.	Title Insurance Commitment				R	R
6.	Survey	A	A	A	A	A
7.	Access	A	A	A	A	A
8.	Legal Description	R	R	R		
9.	Official Development Plan (ODP)		R			
10.	Special Use Plan			R		
11.	Site Development Plan				R	R
12.	Architectural Elevations				A	A
	Document Type **Table Key** R – A document that is required to be submitted for an application A – A document that can be required by the Case Manager based on the specific circumstances of an application	**Rezoning to Standard Zone District**	**Rezoning to Planned Development**	**Special Use**	**Site Development Plan (Non-Residential)**	**Site Development Plan (Multi-Family)**
13.	Lighting Plan				A	A
14.	Parking Plan	A	A	A	A	A
15.	Landscape Plan				A	A
16.	Visual Analysis	A	A	A		
17.	Slope Analysis	A	A	A		
18.	Vegetation Preservation Plan	A	A	A		
19.	Market Analysis	A	A	A		
20.	Water Supply Proof	R	R	R		
21.	Water Supply Report	A	A	A	R	R
22.	Wastewater Collection Proof	R	R	R		
23.	Wastewater Collection Report				R	R

24.	Fire Protection Proof	R	R	R	R	R
25.	Forest Management Plan	A	A	A	A	A
26.	Construction Plans				A	A
27.	Exhibit A				A	A
28.	Traffic Information	A	A	A	A	A
29.	Deeds/Easements/Agreements	A	A	A	A	A
30.	Phase I Drainage Report	A	A	A		
31.	Phase III Drainage Report				R	R
32.	Geologic and Geotechnical Report	A	A	A	R	R
33.	Radiation Assessment/Report/Plan	A	A	A	A	A
34.	Environmental Questionnaire/Assessment	A	A	A	R	R
~~35.~~	~~Land Valuation~~					~~A~~

I. The table below identifies documents that are required during the processing of the application and prior to hearing or determination. In addition to the documents listed below, the Case Manager will require the submittal of any of the documents from the table above that were either not submitted by the applicant or may require revisions based on review by the Case manager or referral agencies. (orig. 4-20-10; am. x-xx-xx)

	Document Type **Table Key** R: A document that is required to be submitted for an application A: A document that can be required by the Case Manager based on the specific circumstances of an application	**Rezoning to Standard Zone District**	**Rezoning to Planned Development**	**Special Use**	**Site Development Plan (Non-Residential)**	**Site Development Plan (Multi-Family)**
~~36~~35..	Mylar				R	R
~~37.~~36.	Improvements Agreement				A	A
~~38.~~37.	Performance Guarantee				A	A
~~39.~~38.	Executed Deeds/Easements/Agreements	A	A	A	A	A
~~40.~~39.	Final Documents				A	A
~~41.~~40.	Recording Fees				A	A
	Document Type **Table Key** R: A document that is required to be submitted for an application A: A document that can be required by the Case Manager based on the specific circumstances of an application	**Rezoning to Standard Zone District**	**Rezoning to Planned Development**	**Special Use**	**Site Development Plan (Non-Residential)**	**Site Development Plan (Multi-Family)**
~~42.~~41.	Fees-in-Lieu of Land Dedication					A
~~43.~~42.	Mineral Estate Notification Form			R		
~~44.~~43.	Cash-in-Lieu of Construction				A	A

~~45.~~44.	Title Insurance Commitment (updated)				R	R

m. The following table identifies the documents that must be submitted prior to recordation of the final documents. In addition to the documents below, any documents that have been listed as a condition of approval by the Board of County Commissioners will also need to be submitted prior to recording. (orig. 4-20-10; am. 12-21-10; am. 9-27-11; am. x-xx-xx)

	Document Type **Table Key** R: A document that is required to be submitted for an application A: A document that can be required by the Case Manager based on the specific circumstances of an application	**Rezoning to Standard Zone District**	**Rezoning to Planned Development**	**Special Use**
~~36~~35.	Mylar		A	A
~~39~~38.	Executed Deeds/Easements/Agreements	A	A	A
~~41~~40.	Recording Fees		R	R

3. Submittal Requirement Definitions

a. The submittal requirements are defined as follows:

(1) Application Form: A fully completed and executed application on the form provided by Planning and Zoning. (orig. 7-21-81; am. 7-11-95; am. 4-27-04; am. 10-25-05)

(2) Application and Referral Agency Fees:

(a) Application Fee: Application Fee as specified by the Board of County Commissioners. The fee shall be made payable to the Jefferson County Treasurer. (orig. 2-22-00; am. 12-17-02; a.m. 4-27-04; am. 10-25-05; am. 4-20-10)

(b) Referral Agency Fees: Review fees charged by a referral agency shall be made payable to the reviewing agency based on current rates and paid at the time of application. The fee amounts can be obtained by contacting Planning and Zoning. (orig. 9-12-83; am. 7-11-95; am. 10-25-05; am. 4-20-10)

(3) Cover Letter: The cover letter shall include the name, address and phone number of both the property owner(s) and any appointed representative. The cover letter must provide a clear, concise description of the proposal and should include a graphic depiction of the proposal as necessary for clarification purposes. (orig. 2-22-00; am 12-17-02; am. 10-25-05; am. 4-20-10; am. 12-21-10)

(4) Proof of Ownership: A copy of a current deed, title commitment or title policy showing that the person signing as the owner on the application is indeed the fee owner of the property. (orig. 7-11-95 am. 10-25-05; am. 4-20-10)

(5) Title Insurance Commitment: A copy of recent title insurance commitment or policy issued by a company authorized to transact title insurance business in Colorado. The legal description on the commitment shall exactly match the legal description of the proposed development. The commitment or policy shall indicate the names and addresses of all current surface owners, mortgagees or lien holders; and any mineral estate owners or lessees of mineral owners. The names submitted shall be listed as they appear on the relevant title documents and instruments that have been recorded with the County Clerk and Recorder. Copies of the documents listed in said commitment or policy shall be submitted for review. Any easement listed in said commitment must be shown and labeled on the survey document. Any easement

within a Jefferson County right-of-way will need subordination from the easement holder. The commitment shall be approved by the County Attorney's office. The applicant may be required to have the commitment updated to remove any unacceptable liens or encumbrances. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am. 4-20-10)

(6) Survey: The format of the survey shall comply with the Final Plat provisions for format and survey as set forth in the Land Development Regulation. Any documents of record that are referenced on the survey document shall also be submitted with the survey document. A survey may be required if the legal description on a deed is not adequate to determine the size and shape of the parcel in question, or if there appears to be conflicts with adjoining deeds or surveys. In addition, a survey may be required in order to establish the location of the physical improvements in relation to parcel boundaries. (orig. 7-23-02; am. 7-1-03; am. 10-25-05; am. 4-20-10; am. 12-21-10)

(7) Access: The applicant shall submit the memorandum from Planning and Zoning that verifies the legal right of access and width of the access for the property in accordance with the proof of access provisions listed above. If the location of the access for the development changes from that originally verified, then additional access information may be required by the Case Manager. As a part of the review of the development application, the applicant will have to prove that the physical location and physical standards of the existing access are in conformance with the Access Standards of Section 2 of the Zoning Resolution, the requirements of the Land Development Regulation and the Roadway Design and Construction Manual. The review of the physical location and physical standards of the existing access may lead to the requirement for the right of access and width of the access to be re-evaluated and for additional rights to be obtained by the applicant. (orig. 2-22-00; am. 10-25-05; am. 4-20-10)

(8) Legal Description: The legal description of the property designated as a lot, block or tract on a recorded plat or aliquot description or a metes and bounds description. Copies of all documents called for or made reference to in the legal description must be submitted. (orig. 9-11-90; am. 5-5-92; am. 7-1-03; am. 10-25-05; am. 12-21-10)

Rezoning and Special Use: If there is an existing hazard overlay district on the property, a legal description or a graphic describing the location of such hazard overlay district shall be provided. The Zoning Administrator or his/her appointed designee may waive the submittal of the legal description or graphic for the hazard overlay district if the Zoning Administrator or his/her appointed designee finds that such information would not materially aid in the rezoning process. (orig. 9-11-90; am. 5-5-92; am. 7-1-03; am. 10-25-05; am. 12-21-10)

The legal description written on the application form shall match the written legal description on the deed or title commitment, or the land survey if one is required. The application for a Rezoning shall also include a qualification phrase if present on the land survey. (orig. 9-11-90; am. 7-11-95; am. 10-25-05; am. 4-20-10)

(9) Official Development Plan (ODP): 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. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)

(a) 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 matters specific to the property, for example (without limitation) animals, pollution control, or hours of operation. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)

(b) 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, and/or other relevant physical features of the property. (orig. 5-20-08; am. 9-27-11)

(10) Special Use Plan: The main component of a Special Use Plan 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 Plan (with a graphic) is a 24" X 36" size document; however, a smaller format may be allowed at the discretion of Planning and Zoning. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)

(a) 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 also 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 matters specific to the property, for example (without limitation) animals, pollution control, or hours of operation. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)

(b) Graphic: When required, 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, and/or other relevant physical features of the property. (orig. 5-20-08; am. 4-20-10; am. 9-27-11)

(11) Site Development Plan: The Site Plan in accordance with the Site Development Plan Format provisions. (orig. 2-22-00; am. 10-25-05; am. 4-4-06; am. 4-20-10)

(12) Architectural Elevations: Architectural Elevations prepared in accordance with the Site Development Plan Format provisions. (orig. 10-25-05; am. 4-4-06)

(13) Lighting Plan: Lighting Plan prepared in accordance with the Site Development Plan Format provisions. (orig. 10-25-05; am. 4-4-06)

(14) Parking Plan: Parking Plan prepared in accordance with the Site Development Plan Format provisions. (orig. 10-25-05; am. 4-4-06)

(15) Landscape Plan: Required when necessary to ensure developments comply zoning documents or to ensure compliance with the Landscaping Section of this Resolution. .The areas to be landscaped may include common areas, greenbelts, traffic islands, buffer areas and streetscapes. The plan shall include, but not be limited to, species, general location of plantings, type of ground cover, berm, walls, fences and bodies of water and water courses. The intents and purposes of such features shall be indicated on the plan. (orig. 2-22-00; am. 12-17-02; am. 10-25-95; am. 4-4-06; am. 4-20-10)

(16) Visual Analysis: Required when necessary to ensure developments comply with recommendations of applicable community plan or when a proposed development has the potential to significantly impact view corridors, such as mountain backdrops, ridgelines, scenic vistas, historic sites or other areas of visual significance. The analysis shall determine the impacts of a proposal upon view corridors. The preparation of the plan may use methods such as photo mockups or simulations, view corridor mapping, modeling or other techniques, and should indicate how the surrounding land uses and associated viewer groups will be affected by different placement locations. The plan should include views from public areas as well as from private residences; and should include recommended mitigation measures such as height limitations, building clustering or massing, camouflage, screening, blending measures, or designated areas of open space. (orig. 4-20-10)

(17) Slope Analysis: Required when necessary to ensure developments comply with recommendations of applicable community plan or when topographical constraints would result in development that requires significant cut and fill activities or presents adverse impacts to health, safety and welfare. The analysis shall include a scaled site plan based upon a topographic contour map with contour intervals of not less than 5 feet. Areas of between 0-20%, 20%-30% and greater than 30% slope shall be indicated. The plan shall include the location of existing and proposed building footprints and other development, proposed roads, sidewalks, rock outcroppings, ridges, tree stands, water courses or other geographical features. (orig. 4-20-10)

(18) Vegetation Preservation Plan: Required when necessary to ensure developments comply zoning documents or when there is vegetation onsite that would meet the preservation criteria of the Landscaping Section of this Resolution. The plan must be prepared by a registered landscape architect or forester. The plan shall consist of a scaled site plan and indicate vegetation to be preserved, proposed grading activities, and measures to be taken to protect existing vegetation. (orig. 4-20-10)

(19) Market Analysis: Required when necessary to ensure developments comply with recommendations of applicable community plan and/or to justify that a proposal for a commercial use when the community plan does not recommend a commercial use. The analysis is required to justify that the market area can support the proposed development. This could include a map of the market area, demonstration of the level of demand for the subject land use, analysis of the economic base of the market area, growth projections, demographics of the surrounding market, including income and education, and the potential impact on surrounding businesses. (orig. 4-20-10)

(20) Water Supply Proof: One or more of the following documents to demonstrate a legal right to a water supply to serve the proposed development. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 4-20-10)

(a) Public Water District: A written statement from the appropriate water district verifying that all necessary water taps are available; or (orig. 12-17-02; am. 4-20-10)

(b) Private Water Company: A written statement from the water company, verifying that all necessary water taps are available or have been issued. In addition, documentation must be submitted that demonstrates that the water source is legally available for the proposed use. Such documentation may include, but not be limited to: water court decrees, well permits, well completion reports and opinion letters from the Colorado State Division of Water Resources. (orig. 12-17-02; am. 4-20-10)

(c) Well Water: Documentation must be submitted that demonstrates that the water source is legally available for the proposed use. Such documentation may include, but not be limited to: water court decrees and well permits. Permit information can be obtained from the Colorado State Division of Water Resources. (orig. 4-20-10))

(21) Water Supply Report: A Water Supply Report in accordance with the Water Supply section of the Land Development Regulation. If the proposed development is located in the Mountain Ground Water Overlay District then the following components shall be included in the Well Water Supply Report, if applicable. (orig. 7-11-07; am. 4-20-10)

(a) A Detailed Water Supply Analysis Report as described in the Water Supply section of the Land Development Regulation. (orig. 7-11-07; am. 4-20-10)

(b) Evidence of the compliance with the performance standards and the submittal requirements of the Mountain Ground Water Overlay District, to verify adequacy of water. (orig. 7-11-07; am. 4-20-10)

Rezoning and Special Use: A Water Supply Report will only be required for a Rezoning or Special Use application if the proposed development will be served by wells, is located in the Mountain Groundwater Overlay District and exceeds the water usage requirements listed in the Overlay District. (orig. 4-20-10)

(22) Wastewater Collection Proof: One or more of the following documents to demonstrate availability of sewage disposal. (orig. 2-22-00; am. 10-25-05)

(a) Public Wastewater District: A written statement from the appropriate sanitation district, verifying that all necessary taps are available or have been issued; (orig. 2-22-00; am. 4-20-10)

(b) Private Wastewater Company: A written statement from the appropriate sanitation company, verifying that they will, pursuant to their regulations, transport and treat the effluent. In addition, documentation must also be submitted that demonstrates that the development is in the service area of the company and that the system has adequate capacity to transport and treat the effluent. (orig. 2-22-00; am. 4-20-10)

(c) Individual Sewage Disposal System: A written statement from Public Health indicating the viability of obtaining individual sewer disposal system permit(s) or a copy of an approved permit for each required sewage disposal system. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am.10-13-09; am. 4-20-10; am. 12-21-10)

(23) Wastewater Collection Report: A Wastewater Collection Report prepared in accordance with the Wastewater Section of the Land Development Regulation. (orig. 4-20-10)

(24) Fire Protection Proof: A written statement from the appropriate fire district, indicating that they serve the referenced property. If the property is not located within a fire protection district, a contract with a district or a municipality indicating that they will provide service to the property shall be required. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am. 4-20-10)

(25) Forest Management Plan: Forest Management Plan(s) prepared in accordance with the Fire Protection Section for all developments located within the boundary of the Wildfire Hazard Overlay District. (orig. 4-20-10)

(26) Construction Plans: When the provisions of any applicable County regulation or plan require improvements associated with a development application, those improvements will be incorporated into the Civil Construction Plans. The construction plans shall be comprised of the following applicable plans: (orig. 10-25-05; am. 4-4-06; am. 4-20-10)

(a) Circulation Improvement Plans prepared in accordance with the Jefferson County Roadway Design and Construction Manual and the Circulation section of the Land Development Regulation. The plans shall include any design elements required to address necessary improvements identified in a Traffic Analysis or Study. (orig. 4-20-10)

(b) Trail construction plans, as required by the Trails Section of the Land Development Regulation. (orig. 4-20-10)

(c) Grading, Erosion and Sediment Control Plans prepared in accordance with the Grading, Erosion and Sediment Control Section of the Land Development Regulation and the Land Disturbance Section of this Resolution. (orig. 10-25-05; am. 4-4-06; am. 4-20-10)

(d) Fire protection measures as required by the Fire Protection Section of the Land Development Regulation shall be incorporated into the plans listed below, as appropriate. (orig. 4-20-10)

(e) Geologic and Geotechnical Plans prepared in accordance with the Geologic and Geotechnical Section of the Land Development Regulation and in conformance with the requirements of the Geologic and Geotechnical Report, unless waived by the County Engineering Geologist. (orig. 4-20-10)

(f) Floodplain mitigation measures as required by the Floodplain Section of the Land Development Regulation shall be incorporated into the plans listed below, as appropriate. (orig. 7-23-02; am. 10-25-05; am. 4-20-10)

(g) Water Supply System Plans prepared in accordance with the Water Supply

Section of the Land Development Regulation. (orig. 4-20-10)

(h) Wastewater Collection Plan(s) prepared in accordance with the Wastewater Section of the Land Development Regulation. (orig. 4-20-10)

(i) Groundwater Collection Plans as required by the Subsurface Groundwater Collection Systems Section of the Land Development Regulation. (orig. 4-20-10)

(27) Exhibit A: When the provisions of any applicable County regulation or plan require improvements associated with a development application, then a detailed list of those improvements will need to be provided. The detailed improvement list will be divided into public improvements and landscape improvements as described in the Development Agreements, Warranties and Guarantees Section of the Land Development Regulation. The Exhibit A may either be submitted with the initial application or at the time of resubmittal after the 1st Referral. (orig. 4-20-10)

(28) Traffic Information: Detailed Traffic Information will be required during the development process in accordance with the following provisions, unless it was submitted with a previous process and the information related to traffic has not changed. In addition, the submittal of an analysis or a study may be required by the underlying zoning regardless of the number of trips being generated. (orig. 7-11-95; am. 3-13-99; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 4-20-10)

(a) Traffic Analysis: A Traffic Analysis may be required by Planning and Zoning to determine the amount and\or distribution of traffic generated from a proposed development. A traffic analysis is a computation of the traffic that is generated by a proposed development that is expected to generate less than 1000 average daily trips. The analysis should address any offsite improvements that may be necessary to mitigate traffic impacts from the proposed development. (orig. 4-20-10)

(b) Minor Traffic Study: A Minor Traffic Study is required when a proposed development is expected to generate 1000 average daily trips or more, and the traffic impacts are localized as determined by Planning and Zoning. The study should address any offsite improvements that may be necessary to mitigate traffic impacts from the proposed development, such as signalization and turning lanes. (orig. 4-20-10)

(c) Major Traffic Study: A Major Traffic Study is required when a proposed development is expected to generate 1000 average daily trips or more, and the traffic impacts are regional as determined by Planning and Zoning. The study should address any offsite improvements that may be necessary to mitigate traffic impacts from the proposed development, such as signalization, turning lanes and interchanges. (orig. 4-20-10)

(d) Updated Analysis/Study: Updated information may be required when there is a proposed alteration to the traffic patterns of a development that previously required an analysis or a study. Planning and Zoning may require either a new traffic analysis or study or an amendment to the analysis or study on file as a part of the previous development. (orig. 4-20-10)

(29) Deeds/Easements/Agreements: Deeds/Easements/Agreements for off-site improvements and dedications that may arise due to the requirements of the development application. (orig. 7-28-02; am. 4-20-10)

(30) Phase I Drainage Report and Plan: A Phase I Drainage Report and Plan prepared in accordance with the Storm Drainage Design and Technical Criteria, if the property is traversed by a major drainageway which is to be modified in any way. If Planning and Zoning determines that the Phase I Drainage Report and Plan would not materially aid in the review of the application, the submittal may be deferred to a subsequent development process. (orig. 5-12-87; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 4-20-10)

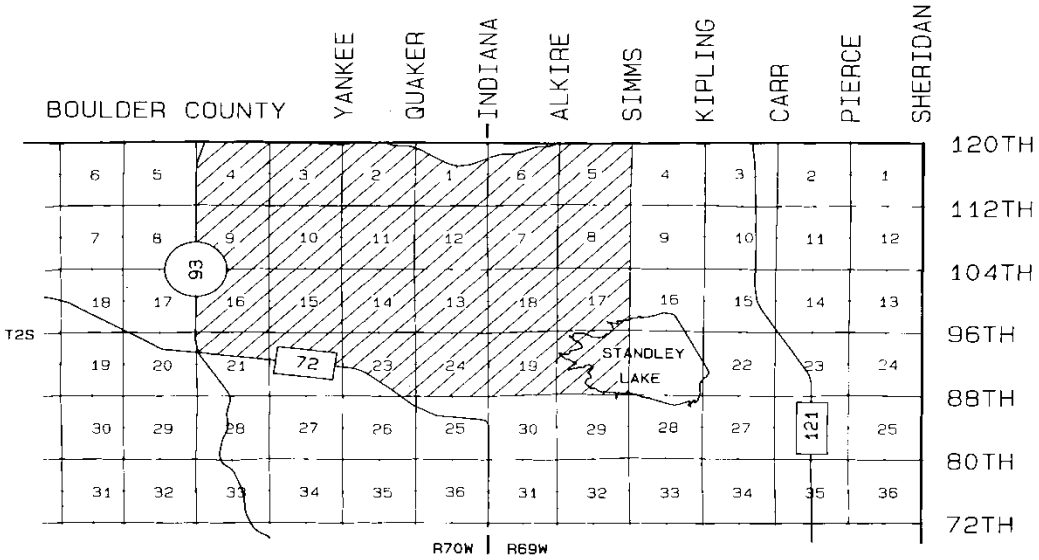
(31) Phase III Drainage Report and Plan: A Phase III Drainage Report and Plan prepared in accordance with the Storm Drainage Design and Technical Criteria. (orig. 4-20-10)

(32) Geologic and Geotechnical Report: If the property is located within the Designated Dipping Bedrock Overlay District, the Geo-Hazard Overlay District or in an area of known geologic hazards, a Geologic and Geotechnical Report must be submitted in accordance with the Geologic and Geotechnical Section of the Land Development Regulation. The County Engineering Geologist may defer the submittal of the report to a subsequent development process or to the building permit process, if he/she determines that the information required for the subsequent process or building permit will sufficiently provide recommendations for foundation design, floor slab, pavement design and site grading. For example, a rezoning for a residential development in the Designated Dipping Bedrock Overlay District may have the report requirements deferred to the subsequent platting process since the characteristics of the geology and the methods of mitigation are fairly consistent for that hazard. (orig. 7-23-02; am. 12-17-02; am. 10-25-05: am. 4-20-10)

Site Development Plan: A proposal for a Site Development Plan, regardless of whether it is located in the hazard areas listed above, must include a the Design Level Geotechnical Report as described in the Geologic and Geotechnical section of the Land Development Regulation. (orig. 4-20-10)

Rezoning: A rezoning, application located in the Geo-Hazard Overlay District or in an area of known geologic hazards, will be required to submit detailed hazard mitigation plans, along with the Geologic and Geotechnical Report, unless the hazard area is set aside as an area that will not be disturbed. (orig. 4-20-10)

(33) Radiation Assessment/Report/Plan: Radiation Assessment/Report/Plan prepared in accordance with the Radiation Section, applicable to those proposed developments located within any potential radiation hazards that may be identified by Public Health and/or the Colorado Department of Public Health and Environment, and for the area as delineated by diagonal hatching on the following Map. ((orig. 4-20-10)



(34) Environmental Questionnaire/Assessment: An Environmental Questionnaire/ Assessment in accordance with the Environmental Assessment Section of the Land Development Regulation. (orig. 10-25-05; am. 4-20-10)

~~(35) Land Valuation: A development proposal that creates additional residential lots or units is required to meet the provisions of the Park and School Requirement Section of the Land Development Regulation. This Park and School Requirements Section identifies that the requirements can be met through the dedication of land or the payment of fees. When fees-in-lieu of land dedication is to occur, documentation such as a current appraisal or comparison pricing analysis shall be submitted to and approved in accordance with the Park and School Requirements Section. (orig. 4-20-10)~~

(~~36~~35) Mylar: The Mylar shall: (orig. 4-20-10; am. x-xx-xx)

(a) Reflect all corrections as indicated on the red-marked print. (orig. 4-20-10)

(b) Be a minimum of 0.003 inches in thickness, black line and have a matte finish on both sides. Sepia Mylars are not acceptable for recording. (orig. 4-20-10)

(c) Not have any erasures. (orig. 4-20-10)

(d) Be signed in fine tip, black permanent ink by: (orig. 4-20-10)

(d-1) the fee simple owners and the holders of deeds of trust (if applicable), with signatures notarized. (orig. 4-20-10)

(d-2) the developer's attorney or the developer's title company (if applicable). (orig. 4-20-10)

(e) Have the appropriate seals affixed. No seals shall be placed within the margins. (orig. 4-20-10)

Rezoning (Planned Development) and Special Use: The Planning and Zoning Division will determine if the Official Development Plan or Special Use Document will need to be submitted on a Mylar. (orig. 9-27-11)

(3~~7~~6) Improvements Agreement: The executed Improvements Agreement with the attached Exhibit A is required if there are improvements associated with the proposed development and the applicant would like to postpone the submittal of the performance guarantee. By entering into an improvement agreement, an applicant may begin site construction without submitting a performance guarantee for the improvements, with the understanding that the construction will need to be completed or a performance guarantee submitted prior to sale or issuance of a building permit. The Improvements Agreement shall: (orig. 7-23-02; am. 7-1-03; am. 6-21-05; am. 7-12-05; am. 10-25-05; am. 4-20-10; am x-xx-xx)

(a) Match the County standard template unless alterations have been approved by the County Attorney's Office. There are different templates for an original improvement agreement and an amended improvement agreement. (orig. 4-20-10)

(b) Be signed by the fee simple owners and the holders of deeds of trust, with signatures notarized. (orig. 4-20-10)

(c) Have the attached Exhibit A (quantity estimate only) for public improvements and landscape improvements that have been signed by the developer and by the preparer of the exhibit. (orig. 4-20-10)

(~~38~~37) Performance Guarantees shall be administered in compliance with the Development Agreements, Warranties and Guarantees section of the Land Development Regulation.(orig. 7-23-02; am. 7-1-03; am. 6-21-05; am. 7-12-05; am. 10-25-05; am. 4-20-10; am x-xx-xx)

(3~~9~~8) Executed Deeds/Easements/Agreements: Any deeds, easements or agreements that were required based on the processing of the development shall be properly executed and submitted so that the recordation of these documents can be coordinated with the recording of the final development documents. (orig. 4-20-10; am. 9-27-11; am x-xx-xx)

If any interest (fee simple, easement or otherwise) in a street, road, tract, parcel or strip of land is to be dedicated to the County, the property owner shall indemnify the County from any and all damages, claims, losses, injuries and expenses (including attorneys' fees) related to or arising out of the presence of hazardous materials, whether known or unknown, including, without limitation, any clean-up costs for such hazardous materials. Such indemnification shall be in a form acceptable to the County Attorneys Office. (orig. 4-20-10)

(~~40~~39) Final Documents: All final plans related but not limited to site development, construction, drainage and landscaping shall be submitted in accordance with the correspondence from the Case Manager and shall be properly executed and sealed. (orig. 4-20-10; am x-xx-xx)

(~~41~~40) Recording Fees: Recording fees shall be those currently charged by and made payable to the Jefferson County Clerk and Recorder. (orig. 4-25-05; am x-xx-xx)

(~~42~~41) Fees-in-Lieu of Land Dedication: If the applicant is proposing to satisfy some or the entire park or school land dedication requirement through the payment of fees, then the fees must be paid prior to recordation of the final development documents. Prior to scheduling a case for hearing, the applicant must submit a letter indicating that they agree to pay the calculated fee prior to recordation of the final development documents. (orig. 4-20-10; am. 9-27-11; am x-xx-xx)

(~~43~~42) Mineral Estate Owner Notification Form: A completed and executed Mineral Estate Owner Notification Form must be provided to the Case Manager. The Case Manager will provide the blank form for the applicant to use to satisfy this requirement. (orig. 10-25-05; am. 4-20-10; am x-xx-xx)

(~~44~~43) Cash-In-Lieu of Construction: If the County has agreed to take cash payment for a portion or all of the improvements required for a development, the cash payment shall be made prior to recordation of the final development documents, unless the County has agreed to incorporate the payment into the requirements of the Improvements Agreement. (orig. 4-20-10; am. 9-27-11; am x-xx-xx)

(~~45~~44) Title Insurance Commitment (updated): The title insurance commitment should have an effective date within 45 days of the recordation date of the final development documents. (orig. 4-20-10; am. 9-27-11; am x-xx-xx)

J. Pre-Application Review Process (orig. 2-22-00; am. 10-25-05)

1. Intent and Purpose

   The Pre-Application Review Process was created to provide applicants with a quick review of development proposals based on very limited information. The review by Staff is intended to provide the type of information that will assist an applicant in making key decisions about the development proposal prior to making application. The Pre-Application Review Process will also assist the applicant in gaining a more thorough understanding of the County's process and issues relative to the land use request. (orig. 2-22-00, am. 10-25-05; am. 4-20-10)

2. Application

   The Pre-Application Review Process is optional and may be used before applying for any process. (orig. 2-22-00, am. 10-25-05)

3. Procedure

   a. The applicant must submit a complete Pre-Application package to Planning and Zoning. Planning and Zoning will schedule a date and time for the Pre-Application Review Meeting. (orig. 2-22-00; a.m. 4-27-04, am. 10-25-05; am. 5-20-08)

   b. Staff will send the information submitted by the applicant to a select few referral agencies in order to obtain the type of information that will be of most benefit to the applicant. (orig. 4-20-10)

   c. The Pre-Application Review Meeting will begin with a description by the applicant of what is being requested. The Case Manager and other county staff will present their comments and findings, as well as request any additional information that may be required. Issues that need to be resolved prior to application submittal will also be identified. (orig. 2-22-00, am. 10-25-05)

   d. After the Pre-Application Meeting, Staff will provide written comments outlining the key issues that must be addressed as a part of the application submittal. (orig. 2-22-00, am. 10-25-05; am. 4-20-10)

4. Submittal Requirements

   The following shall be the minimum information required in order to schedule the Pre-

Application Meeting. The number of copies of each document that will need to be submitted for review is identified in the Pre-Application Guide available in Planning and Zoning. (am. 4-20-10)

a. Cover Letter: The cover letter shall include the name, address and phone number of the property owner(s), the applicant(s) or any appointed representative. The letter should include a clear, concise description of the proposal, including the proposed uses. It should also address following key items related to the proposed development: (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 4-20-10)

   (1) Access (orig. 4-20-10)

   (2) Water (orig. 4-20-10)

   (3) Sanitation (orig. 4-20-10)

b. Vicinity Map: The vicinity map showing the location of the property involved in the request. (orig. 2-22-00; am. 10-25-05)

c. Site Plan: A site plan drawn to scale, including the following information: (orig. 2-22-02; am. 10-25-05; am. 4-4-06; am. 4-20-10)

   (1) Scale (orig. 4-20-10)

   (2) North Arrow (orig. 4-20-10)

   (3) Existing and proposed lot lines (orig. 4-20-10)

   (4) Streets/Roads: The proposed and existing streets/roads (orig. 4-20-10)

   (5) Access Points: Location of existing and proposed access points (orig. 4-20-10)

   (6) Structures: Location and size of existing structures (orig. 4-20-10)

   (7) Use Areas: Proposed use areas if the proposal is for a multi-use Planned Development rezoning. (orig. 4-20-10)

   (8) Any additional information that may aid in the review of the proposal (orig. 4-20-10)

d. Written Restrictions: Written restrictions if the proposal is for a Planned Development rezoning (orig. 12-17-02; am. 10-25-05; am. 4-20-10)

e. Proof of Ownership: A copy of the deed which the owner holds for the property or a current title commitment or policy. (orig. 7-11-95; am. 10-25-05; am. 4-20-10)

f. Proof of Access: Information shall be submitted for review that is intended to prove access for the proposed development in accordance with the Submittal Requirements section. (orig. 2-22-00; am. 10-25-05; am. 4-20-10)

g. Additional Documentation: The applicant should provide any additional information that they believe would aid in the review of the Pre-Application, such as proof of water, proof of sewer and proof of fire protection. (orig. 2-22-00; am. 10-25-05; am. 4-20-10)

K. Notification

1. Intent and Purpose

   The purpose of this section is to specify the notification requirements and procedures for various applications. The notification requirements are intended to keep property owners and registered associations informed of proposed development activities in Jefferson County. (orig. 10-25-05; am. 10-13-09)

2. Application

   a. Specific notification requirements for various applications are identified in the table below. These notification requirements include Community Mailing, Sign Posting and Newspaper Publication. If an application type is not listed below, then the notification requirements for that application are either listed in that application's process requirements or notification is not required. Reference the criteria section below for a description of the levels described in the notification table. (orig. 10-13-09; am 4-20-10)

Application Type	Notification Requirements						
	Community Meeting		At Time of 1st Referral*		Prior to Hearing		
	Community Mailing	Sign Posting	Community Mailing	Sign Posting	Community Mailing	Sign Posting	Newspaper Publication
Rezoning	Level 1	Level 1	Level 1	Not Required	Level 1	Level 1	Yes
Special Use	Level 1	Level 1	Level 1	Not Required	Level 1	Level 1	Yes
Site Development Plan	N/A	N/A	Level 1	Level 1	N/A	N/A	N/A
Land Disturbance Permit	N/A	N/A	Level 2	Level 2	N/A	N/A	N/A

* In accordance with the process requirements for each application type, the 1st Referral is scheduled to occur within 3 days of the applicant making a Formal Application. (orig. 4-20-10)

b. If any one of the following occurs during the hearing process, the applicant will be required to provide additional notification in accordance with the "Prior to Hearing" notification requirements in the table above. (orig. 12-21-10)

(1) The application has been continued, but a hearing date has not been specified in the continuance. (orig. 12-21-10)

(2) The application has been in the hearing process for more than 6 months without a final determination. Under this circumstance, the additional notification will serve to reset the clock for an additional 6 months. (orig. 12-21-10)

(3) The application is remanded back to the Planning Commission by the Board of County Commissioners. (orig. 12-21-10)

(4) The application needs to return to hearing in order to effect a change to the application. This provision will not apply if the change is determined to be a non-substantial change as discussed below, however the notification described in the provision below still apply. (orig. 12-21-10)

c. If an application has been approved in a public hearing and needs to return to hearing to effect a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed to hearing without notification in accordance with this section; provided, however any notification specifically required by the Colorado Revised Statutes is still completed for such hearing. (orig. 4-20-10; am. 12-21-10)

3. Criteria

a. Community Mailing: Community mailing requirements fall into two (2) levels.

(1) Level 1 requires notices to be sent to property owners and registered associations within a specified radius based on whether the proposed development is located in the Mountains or Plains as defined in the Definition Section of this Regulation. (orig. 10-13-09; am 4-20-10)

(a) The following table shows the Notification Radius of the Mountains and Plains. The notification area will be measured from the exterior boundary of the proposed development. (orig. 10-25-05; am. 10-13-09)

	Mountains	Plains
Registered Associations	Two (2) miles	One (1) mile

Individual Property Owners	1,320 feet (1/4 mile)*	500 feet

When the subject property is located in an area of unusually high density development, greater than 50 individual property owners within 1,320 feet (1/4 mile), then the area of notification shall be decreased to 500 feet from the subject property. (orig. 10-25-05; am. 10-13-09)

(2) Level 2 requires notices to be sent to adjoining property owners. For the purpose of this Regulation adjoining will mean a property that shares any length of common boundary with the applicant's property. In addition, if it is determined that the proposed development is on property that is located within a property owners association, or other similar entity, then notice will also be sent to that entity. The Case Manager may require additional notices to be sent if in the opinion of the Case Manager the development activity may have impacts to other properties. (orig. 10-13-09)

b. Sign Posting: Sign posting requirements fall into two (2) levels:

(1) Level 1 requires a minimum of one (1) sign to be posted on each boundary of the property having frontage on either a public or private street/road. The provision for posting along public streets/roads shall not apply to freeways, unless the freeway has a frontage road on which the requirements will apply. For the purpose of this Regulation, freeways shall be identified as I-70, US-285, SH-58, C-470, and US-6 east of its intersection with I-70. If the frontage on a public or private street/road is greater than 500 feet, then additional sign(s) will be required in accordance with the table below. The maximum number of signs required to be posted along public or private streets/roads shall be six (6). If the number of signs calculated for posting exceeds six (6), then the required signs will be spaced along the street/road frontage as deemed appropriate by the Case Manager. If the property does not have any street/road frontage at the time of posting, then a minimum of one (1) sign must be posted on the property at the location most visible to the general public. If the Case Manager determines that the signs required to be posted on the property would not be readily seen by the general public, then he/she may require the posting of off-site signs, in the number and location deemed appropriate. (orig. 10-13-09; am 4-20-10)

(2) Level 2 requires one (1) sign to be posted on the property at a location most visible to the general public. If (orig. 10-13-09; am 4-20-10)

Sign requirements for frontage along public or private

Length of Frontage (feet)	Number of signs required
0 to 500	1
501 to 1000	2
1001 to 1500	3
1501 to 2000	4
2001 to 2500	5
Greater than 2500	6

c. Newspaper Publication: Newspaper publication is a notification requirement where notice of a hearing is published in one publication of a newspaper of general circulation in the County. (orig. 10-13-09)

3. Procedure

a. Community Mailings: Notification letters shall be mailed in accordance with the following:

(1) Community Mailings at the time of 1st Referral shall be mailed at the time the case is sent out on the 1st Referral. Prior to the 1st Referral, the Case Manager will provide the applicant the completed notification form and other information so that the applicant can prepare the notification documents. (orig. 10-13-09; am 4-20-10)

(2) Community Mailings prior to a Community Meeting or hearing shall be mailed at least 14 calendar days prior to the Community Meeting or the first scheduled hearing. Approximately 19 days prior to the Community Meeting or the first scheduled hearing, the Case Manager will provide the applicant the completed notification form and other information so that the applicant can prepare the notification documents. (orig. 10-13-09)

(3) General Requirements;

(a) The Case Manager shall provide the applicant:

(a-1) A completed notification form and vicinity map; and (orig. 4-4-06; am. 10-13-09)

(a-2) A list of all registered associations and/or property owners that are required to be notified; (orig. 4-4-06; am. 10-13-09)

(b) The applicant shall provide the Case Manager the community mailing envelopes corresponding to the list of registered associations and individual property owners. The envelopes must: (orig. 4-4-06; am. 10-13-09)

(b-1) be addressed; (orig. 10-13-09)

(b-2) have sufficient postage; (orig. 4-4-06)

(b-3) use the Planning and Zoning's return address; (orig. 4-4-06)

(b-4) contain a completed notification form and vicinity map; and (orig. 4-4-06)

(b-5) be un-sealed. (orig. 4-4-06; am. 10-13-09)

b. Sign Posting: Sign posting shall be completed in accordance with the following requirements.

(1) Sign posting at the time of 1st Referral: The sign(s) will be given to the applicant when the case is sent out on the 1st Referral. It is the applicant's responsibility to post the sign(s) on the property within 4 calendar days from the date on which the application was sent out on the 1st Referral. The applicant shall take every reasonable effort to keep the sign(s) posted on the property until a determination has been made on the application. The signs shall be removed from the property within 7 calendar days after the final determination. (orig. 10-13-09; am. 4-20-10; am. 12-21-10)

(2) Sign posting at the time of Community Meeting or hearing:

(a) Community Meeting: The sign(s) will be given to the applicant approximately 19 calendar days prior to the Community Meeting. It is the applicant's responsibility to post the sign(s) on the property a minimum of 14 calendar days prior to the meeting. The applicant shall take every reasonable effort to keep the sign(s) posted on the property until the Community Meeting has been completed. The signs shall be removed from the property within 7 calendar days after the Community Meeting. (orig. 10-13-09; am. 12-21-10)

(b) Hearing: The sign(s) will be given to the applicant approximately 19 calendar days prior to the first scheduled hearing. It is the applicant's responsibility to post the sign(s) on the property a minimum of 14 calendar days prior to the first hearing. The applicant shall take every reasonable effort to keep the sign(s) posted on the property until the application is approved, conditionally approved or denied at the final hearing for the application. The signs shall be removed from the property within 7 calendar days after the final hearing for the application. (orig. 10-13-09; am. 12-21-10)

(3) General Requirements:

(a) The Case Manager shall provide the applicant:

(a-1) A map indicating where the signs shall be posted; (orig. 10-13-09)

(a-2) the completed signs; (orig. 10-13-09)

(a-3) instructions on how to post the signs; and (orig. 10-13-09)

(a-4) a blank posting affidavit form. (orig. 10-13-09)

(b) The applicant shall:

(b-1) Post the sign(s) on the property in accordance to the location map and instructions; and (orig. 10-13-09)

(b-2) Return the completed posting affidavit to the Case Manager indicating that the sign(s) were posted upon the subject property in accordance with the requirements. (orig. 10-13-09)

c. Newspaper Publication: Planning and Zoning shall publish notice of the hearing before the Board of County Commissioners in one publication of a newspaper of general circulation in the County. The notice shall be published at least 14 calendar days prior to the Board of County Commissioners Hearing. (orig. 10-13-09)

L. Community Meeting Process

1. Intent and Purpose

The purpose of the Community Meeting is to inform the public of a possible land use change. The Community Meeting will provide the applicant the opportunity to answer any community concerns and solicit input about the proposal to achieve the best possible results. (orig. 2-22-00; am. 10-25-05)

2. Application

The Community Meeting requirement shall apply to Rezoning and Special Use applications. (orig. 2-22-00; am. 10-25-05)

3. Procedure

a. The Community Meeting must occur prior to formal submittal of the application and after the Pre-Application Review Meeting, if one was held. (orig. 10-25-05)

b. The applicant shall arrange the date, time and location for the Community Meeting. The applicant shall coordinate with the Case Manager at least 21 calendar days prior to the Community Meeting. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05)

c. Notification is required in accordance with the notification provisions of this section. (orig. 10-25-05; am. 4-4-06; am. 10-13-09)

d. Community Meeting: The applicant shall present their request to the attendees at the Community Meeting, and the applicant shall facilitate the meeting. The Case Manager may attend the Community Meeting and may provide information to the attendees regarding County regulations. The applicant may desire to revise the application to respond to expressed concerns, prior to formal submittal. (orig. 2-22-00; am. 12-17-02; am. 10-25-05)

4. Community Meeting Waiver: A written request to waive the Community Meeting requirement may be submitted to the Director of Planning and Zoning. The request to waive the Community Meeting requirement must include the reason(s) why relief from this requirement should be granted. Waiver requests may be approved at the discretion of the Director of Planning and Zoning prior to formal submittal of the Rezoning or Special Use application. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10)

M. Rezoning Process

(orig. 5-6-46; am. 6-2-58; am. 12-26-62; am.2-7-72; am. 5-1-72; am. 7-21-81; am. 9-12-83; am. 5-12-87; am. 1-31-89; am. 9-11-90; am. 5-5-92; am. 12-14-93; am. 5-3-94; am. 6-7-94; am. 7-11-95; am. 7-22-97; am. 3-23-99; am. 2-22-00; am. 10-25-05; am. 5-20-08)

1. Intent and Purpose

This process was created to move projects through the review and approval process as quickly as possible. The process outlines time frames and expectations that provide the applicant with a clear understanding of the steps involved prior to being scheduled for hearing before the Planning Commission and the Board of County Commissioners. The Director of Planning and Zoning may waive the time frames included in this process depending on Planning and Zoning staffing levels and the complexity of the proposal. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 12-21-10)

2. Application

   a. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-20-08)

   b. The following procedure, requirements and criteria shall apply to Rezoning applications. (orig. 10-25-05)

   c. Notification is required in accordance with the notification provisions of this section. (orig. 10-13-09)

3. Procedure

   If the applicant complies with all given time frames, submits a complete application and complies with all requirements of the regulation, the estimated time to reach the public hearing phase of the process is 100 calendar days from the date of the 1st Referral. (orig. 10-25-05; am. 4-4-06; am. 5-20-08; am. 10-13-09)

Process Steps	Processing Time Frames	
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process	
Community Meeting		
Steps prior to 1st Referral		
Sufficiency Review	7 calendar days	
Formal Application	3 calendar days	
Process from 1st Referral to Public Hearings		
1st Referral	21 calendar days	100 Days to tentatively scheduled hearings if processing time frames are met.
Forwarding 1st Referral Comments	5 calendar days	
Response 1st Referral	21 calendar days	
Submittal of Revised Documents	3 calendar days	
2nd Referral	14 calendar days	
Forwarding 2nd Referral Comments	5 calendar days	
Hearing Documents	10 calendar days	
Hearing Preparation	21 calendar days	
Public Hearings and Post Hearing Review		
Planning Commission Hearing	Time varies based on PC and BCC actions; and applicant meeting approval conditions	
Board of County Commissioners Hearing		
Post Hearing Review		

Prior to submitting an application for this process, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the pre-application provision of this section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the platting process and will also help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the proposal. (orig. 10-13-09)

Community Meeting: The applicant shall hold a Community Meeting, pursuant to the Community Meeting Process, prior to submittal of the formal application and following the Pre-Application Review Meeting, if one was held. (orig. 2-22-00; am. 10-25-05)

<u>Steps Prior to 1st Referral</u>

a. Sufficiency Review: The applicant shall submit all documents as identified in the Submittal Requirements section of this Regulation for review by Staff. (5-20-08)

   Staff shall have 7 calendar days to review this submittal. (5-20-08)

   Staff will review the sufficiency application to determine if the submittal documents are complete. Following this review, Staff will prepare a letter explaining any deficiencies in the submittal documents. The letter will include a referral matrix that identifies the referral agencies that will require referral documents. The response from Staff will also include a request for the applicant to submit the notification documents that are required to be mailed when the case is sent out on the 1st Referral. The applicant shall revise the submittal

information as may be required to comply with County standards, and then submit the Formal Application. (orig. 2-22-00; am. 10-25-05; am. 5-20-08; am. 10-13-09)

b. Formal Application: The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 5-20-08; am. 10-13-09)

The Case Manager shall have 3 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 4-4-06; am. 5-20-08)

Process from 1st Referral to Public Hearings

c. 1st Referral:

The referral agencies shall have 21 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 10-13-09)

The Case Manager will tentatively schedule the Planning Commission Hearing and the Board of County Commissioners' hearing when the application is sent out on the 1st Referral. The Planning Commission hearing will be tentatively set to the first available hearing date after 100 calendar days from the date of the 1st Referral. The Board of County Commissioners hearing will be scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08)

d. Forwarding 1st Referral Comments:

The Case Manager shall have 5 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of referral agency responses. If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Hearing Documents phase of the process. Under this circumstance, the application will be able to get to the hearing phase earlier than the date(s) tentatively scheduled at the time of the 1st Referral. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08)

e. Response to 1st Referral:

The applicant shall have 21 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. The applicant will be deemed to have consented to later hearing dates, than the tentatively scheduled hearing dates, if the resubmittal is not received within the 21 calendar day period. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his or her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10)

f. Submittal of Revised Documents: The Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 10-25-05; am. 5-20-08)

g. 2nd Referral: The referral agencies shall have 14 calendar days to respond in writing to the 2nd referral. (orig. 5-20-08)

h. Forwarding 2nd Referral Comments: The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of

referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

If the applicant has not consented to later hearing dates based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled hearings, the applicant shall submit the Hearing Documents as requested by the Case Manager in accordance with the Hearing Documents phase of the process. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)

i. Response to 2nd Referral: The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10)

j. Additional Changes: For the 3rd referral, and for any subsequent referrals thereafter, the Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 5-20-08)

The referral agencies shall have 7 calendar days to respond in writing to the 3rd referral, and for any subsequent referrals thereafter. (orig. 5-20-08)

The Case Manager shall have 5 calendar days after the end of the 3rd referral, and for any subsequent referrals thereafter, to provide the applicant with a full Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 4-27-04; am. 10-25-05; am. 5-20-08; am. 12-21-10)

k. Hearing Documents: The Hearing Documents shall be comprised of the revised ODP and Written Restrictions (if applicable) and other final documents as identified by the Case Manager. (orig. 5-20-08; am. 9-27-11)

If the applicant has not consented to later hearing dates based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the Hearing Documents for the tentatively scheduled hearings. The applicant will be deemed to have consented to later hearing dates if the Hearing Documents are not received within the 10 calendar day period. (orig. 2-22-00; am. 10-25-05; am. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments or to submit the Hearing Documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fee and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 10-13-09; am. 12-21-10)

l. Hearings Scheduled:

(1) Planning Commission Hearing: If the applicant has consented to later hearing dates based on the time frames of this Regulation, the Planning Commission hearing will be scheduled for the first available hearing date after 21 calendar days from the submittal of the Hearing Documents. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)

(2) Board of County Commissioners Hearing: The Board of County Commissioners hearing will be scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)

m. Hearing Preparation

(1) Revisions to Documents Prior to Hearing: To ensure completeness and to allow adequate public review, no substantial revisions or additions, except in response to a Staff request or those specifically requested by the Planning Commission or the Board of County Commissioners, may be made to any application or supporting documents within 21 calendar days prior to any hearing. (orig. 2-22-00; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)

(2) Notification: Notification of the scheduled hearings is required in accordance with the notification provisions of this section. (orig. 10-13-09)

Public Hearings and Post Hearing Review

n. Planning Commission Hearing: The Planning Commission shall review the request and the Staff report, receive testimony and evidence on the application, and shall recommend approval, conditional approval, or denial of the request to the Board of County Commissioners. The Planning Commission may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08; am. 12-21-10)

o. Board of County Commissioners Hearing: The Board of County Commissioners shall review the request, Staff report, and the Planning Commission recommendation, receive testimony and evidence on the application, and shall approve, conditionally approve or deny the application. The Board of County Commissioners may continue the request for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 2-22-00; am. 10-25-05; am. 5-20-08; am. 12-21-10)

p. Post Hearing Review

(1) Planned Development: The applicant shall comply with all conditions of approval within 180 calendar days from the approval date by the Board of County Commissioners. If the applicant does not comply with the conditions within this timeframe, the approval of the rezoning shall be automatically rescinded. The Director of Planning and Zoning may extend this 180 calendar day recordation deadline for additional 180 calendar day periods if, in his/her opinion, the delay is for good cause. (orig. 5-20-08; am. 12-21-10)

The Case Manager shall have 7 calendar days to review all documents submitted by the applicant for compliance with the approval conditions. If the revisions have been made in accordance with the approval conditions, the Case Manager will authorize the preparation of the final ODP document and other any final documents. If additional revisions are required to meet the approval conditions, the Case Manager will return a letter to the applicant identifying the revisions that must be made in order to comply with the approval conditions. (orig. 5-20-08; am. 9-27-11)

At such time as the applicant complies with the approval conditions, submits the executed ODP and other final documents, and pays the recordation fees, Staff will obtain the required County approval signatures on the ODP and final documents, and have the documents recorded, as appropriate. (orig. 2-22-00; am. 10-25-05; am. 5-20-08; am. 9-27-11)

(2) Standard Zone District: The Board of County Commissioners resolution shall be recorded within 7 calendar days after approval. (orig. 2-22-00; am. 12-17-02; am. 10-25-05; am. 5-20-08)

(3) If an application needs to return to hearing for a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed directly to a hearing before the Board of County Commissioners' without a hearing before the Planning Commission. (orig. 4-20-10; am. 12-21-10)

q. Rehearings of Rezoning Cases

(1) Upon denial of a Rezoning application by the Board of County Commissioners, the applicant may petition the Board within 1 year of the Board's decision, requesting a rehearing of its application if there is a substantial change. Said petition shall be comprehensive in delineating all proposed changes. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-6-82; am. 12-17-02; am. 10-25-05)

(2) The Board of County Commissioners at its sole discretion may grant a petition for rehearing where it determines that a substantial change is being proposed that could significantly affect one or more of the reasons for denial of the original case. The Board may deny the petition solely upon the contents of the petition or when deemed advisable by the Board upon the petition and evidence presented. Discussion of such petition may occur at a regularly scheduled Board of County Commissioners briefing. Public testimony will not be allowed during such meeting. (orig. 7-21-81; am. 12-6-82; am. 7-1-03)

(3) When the Board of County Commissioners grants a rehearing petition, it shall set a date and time for said rehearing before the Board, and public notice of same shall be given as set forth in the rezoning provisions. Planning and Zoning shall present the amended application to the Planning Commission and the Planning Commission shall review and make a recommendation thereon, prior to the date of the Board of County Commissioners rehearing. (orig. 7-21-81; am. 12-6-82; am. 12-17-02; am. 4-27-04; am. 5-20-08)

(4) After conducting the rehearing, the Board of County Commissioners shall approve, conditionally approve or deny the Rezoning application as amended based upon the evidence submitted at the rehearing together with the relevant evidence received at the prior hearings on said application. (orig. 7-21-81; am. 10-25-05)

(5) No petition for rehearing may be granted where the decision of the Board of County Commissioners on the Rezoning application has been appealed or contested in any court of law or during the pendency of said court action. (orig. 7-21-81; am. 12-17-02; am. 10-25-05)

4. Criteria for Decisions in Standard Zone District Cases

In reviewing Standard Zone District Rezoning applications, the Planning Commission and the Board of County Commissioners may consider the following criteria: (orig. 7-1-03)

a. The compatibility of the permitted uses with existing and allowable land uses in the surrounding area. (orig. 7-1-03)

b. The degree of conformance of the proposed zone change to applicable land use plans. (orig. 7-1-03)

c. The effect upon the health, safety, and welfare of the residents and landowners in the surrounding area. (orig. 7-1-03)

5. Criteria for Rezoning Open Space within the Planned Development Zone District

a. Except as set forth in paragraph b. below, requests to rezone all or any portion of a property designated in the Planned Development Zone District as open space, conservation, preservation, or other similar term to a classification that would permit development may be granted only if the applicant shows to the satisfaction of the Board of County Commissioners that the open space designation is not warranted because: (orig. 8-31-93)

(1) The property has none of the following features: (orig. 8-31-93)

(a) Significant or desirable wildlife habitat or migration routes. (orig. 8-31-93)

(b) Rare or unusual vegetation or ecosystems. (orig. 8-31-93)

(c) Remarkable geologic features such as rock outcrops or formations. (orig. 8-31-93)

(d) Historic resources. (orig. 8-31-93)

(e) Significant views or view corridors. (orig. 8-31-93)

(f) Riparian and/or wetland areas. (orig. 8-31-93)

(g) Bodies of water, except those constructed for utilitarian purposes which are no longer needed for that purpose and which were not intended also to provide wildlife habitat. (orig. 8-31-93)

(h) Trail corridors, such as existing trails, trail easements, or trail connections shown on an ODP. (orig. 8-31-93)

(2) The open space area was not set aside as an integral part of the overall development, rather than designated as "open space" because future development was unknown or unplanned at the time of zoning to Planned Development. (orig. 8-31-93)

(3) The property is not being used for active or passive recreation by the surrounding community. (orig. 8-31-93)

(4) The open space was not designated as the result of a density transfer or other adjustment to allow a higher density elsewhere. (orig. 8-31-93)

(5) The open space was not part of a Rural Cluster development. (orig. 7-1-03)

b. Property not eligible for Rezoning under the Open Space Rezoning criteria may only be rezoned where all of the following exist. (orig. 8-31-93; am. 12-17-02)

(1) The Rezoning request includes additional land in the same vicinity which land would replace the lost open space value set forth above with land that is superior in open space quality. (orig. 8-31-93)

(2) The applicant has given notice of the Rezoning request by first class mail, return receipt requested, to property owners, registered associations, the Colorado State Division of Wildlife, local park and recreation district, and other referral agencies, as determined by Planning and Zoning. This provision does not supersede notice requirements set forth elsewhere in this Zoning Resolution. (orig. 8-31-93; am. 4-27-04; am. 5-20-08)

c. Nothing set forth above shall require the Board of County Commissioners to grant a Rezoning request which meets the criteria set forth above where the Board of County Commissioners determines that such request is not in the best interests of the present and future inhabitants of Jefferson County or is not in conformance with the Rezoning criteria set forth elsewhere in this Zoning Resolution. (orig. 8-31-93)

6. Limitations upon Rezoning Applications

a. Non-contiguous properties may not be rezoned to Planned Development within a single rezoning application. For the purposes of Rezoning Applications, contiguous shall be defined as a common or shared boundary or tract wide enough to provide sufficient access in accordance with the access requirements in the General Provisions Section. Properties on opposite sides of local, collector or arterial streets/roads shall not be considered contiguous. The Director of Planning and Zoning may allow non-contiguous parcels to be processed as a single Planned Development Application if in his or her opinion the processing of a single application would be appropriate. If the Director of Planning and Zoning makes such a determination, the applicant(s) will be required to pay the standard application fee for each non-contiguous parcel. (orig. 5-20-08; am. 10-13-09; am. 12-21-10)

b. The boundary of the area subject to Rezoning may not be drawn to result in contiguous property under the same ownership that does not conform to the zone district standards

applicable to said contiguous parcel. (orig. 9-11-90; am. 10-25-05)

c. Except as provided in the "Rehearings of Rezoning Cases" portion of this section, no Rezoning application shall be accepted for a Rezoning to the same zone district for the same parcel of ground or portion thereof for which a previous application has been denied by the Board of County Commissioners within 1 year prior to the date of filing of said application. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 10-25-05)

d. A Rezoning application shall not be accepted for any lot, parcel, tract of land or portion thereof where a court action brought by the applicant is pending against the County contesting the existing zoning or any previous Rezoning decision of the Board of County Commissioners thereon. (orig. 7-24-72; am. 7-21-81; am. 7-1-03; am. 10-25-05)

e A Rezoning application shall not be accepted by Planning and Zoning as long as there is a pending application for Rezoning or Special Use of said premises before the Planning Commission or the Board of County Commissioners. However, nothing herein shall prevent amendment of a pending application before the Planning Commission or the Board of County Commissioners by the applicant, except amendment to a new zone district or Special Use that is more restrictive than the original request will require that the pending application be withdrawn and a new application be submitted in accordance with the "Rezoning Procedures," portion of this section. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

7. County-Initiated Rezoning

The Planning Commission and/or the Board of County Commissioners may, at any time, direct Planning and Zoning to initiate Rezoning for any parcel or parcels of land within the unincorporated area of Jefferson County. Notwithstanding any provisions of this section to the contrary, County Initiated Rezoning procedures shall be only in accordance with the provisions of Section 30-28-116, C.R.S. 1973, or as amended. (orig. 12-17-74; am. 7-21-81; am. 12-17-02; am. 4-27-04; am. 5-20-08)

N. Special Use Process

1. Intent and Purpose

This process was created to move projects through the review and approval process as quickly as possible. The process outlines time frames and expectations that provide the applicant with a clear understanding of the steps involved prior to being scheduled for hearing before the Planning Commission and the Board of County Commissioners. The Director of Planning and Zoning may waive the time frames included in this process depending on Planning and Zoning staffing levels and the complexity of the proposal. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

2. Application

a. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-20-08)

b. The following procedure, requirements and criteria shall apply to Special Use applications. (orig. 10-25-05)

c. Notification is required in accordance with the notification provisions of this section. (orig. 10-13-09)

3. Procedure

If the applicant complies with all given time frames, submits a complete application and complies with all requirements of the regulation, the estimated time to reach the hearing phase of the process is 100 calendar days from the date of the 1st Referral. (orig. 10-25-05; am. 4-4-06; am. 5-20-08)

Process Steps	Processing Time Frames
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process
Community Meeting	

Steps prior to 1st Referral		
Sufficiency Review	7 calendar days	
Formal Application	3 calendar days	
Process from 1st Referral to Public Hearings		
1st Referral	21 calendar days	100 Days to tentatively scheduled hearings if processing time frames are met.
Forwarding 1st Referral Comments	5 calendar days	
Response 1st Referral	21 calendar days	
Submittal of Revised Documents	3 calendar days	
2nd Referral	14 calendar days	
Forwarding 2nd Referral Comments	5 calendar days	
Hearing Documents	10 calendar days	
Hearing Preparation	21 calendar days	
Public Hearings and Post Hearing Review		
Planning Commission Hearing	Time varies based on PC and BCC actions; and applicant meeting approval conditions	
Board of County Commissioners Hearing		
Post Hearing Review		

Prior to submitting an application for this process, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the Pre-Application Process section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the platting process and will also help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the proposal. (orig. 10-13-09)

Community Meeting: The applicant shall hold a Community Meeting, pursuant to the Community Meeting Process, prior to submittal of the formal application and following the Pre-Application Review Meeting, if one was held. (orig. 10-25-05)

Steps Prior to 1st Referral

a. Sufficiency Review: The applicant shall submit all documents as identified in the Submittal Requirements section of this Regulation for review by Staff. (orig. 5-20-08; am. 10-13-09)

   Staff shall have 7 calendar days to review this submittal. (orig. 5-20-08)

   Staff will review the sufficiency application to determine if the submittal documents are complete. Following this review, Staff will prepare a letter explaining any deficiencies in the submittal documents. The letter will include a referral matrix that identifies the referral agencies that will require referral documents. The response from Staff will also include a request for the applicant to submit the notification documents that are required to be mailed when the case is sent out on the 1st Referral. The applicant shall revise the submittal information as may be required to comply with County standards, and then submit the Formal Application. (orig. 10-25-05; am. 5-20-08; am. 10-13-09)

b. Formal Application: The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 5-20-08; am. 10-13-09)

   The Case Manager shall have 3 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 10-25-05; am. 4-4-06; am. 5-20-08)

Process from 1st Referral to Public Hearings

c. 1st Referral: The referral agencies shall have 21 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08)

   Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 10-13-09)

   The Case Manager will tentatively schedule the Planning Commission Hearing and the Board of County Commissioners' hearing when the application is sent out on the 1st Referral. The Planning Commission hearing will be tentatively set to the first available hearing date after 100 calendar days from the date of the 1st Referral. The Board of County Commissioners hearing will be scheduled for the first available hearing date after

19 calendar days from the Planning Commission hearing. (orig. 10-25-05; am. 5-20-08)

d. Forwarding 1st Referral Comments: The Case Manager shall have 5 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Hearing Documents phase of the process. Under this circumstance, the application will be able to get to the hearing phase earlier than the date(s) tentatively scheduled at the time of the 1st Referral. (orig. 10-25-05; am. 5-20-08)

e. Response to 1st Referral: The applicant shall have 21 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. The applicant will be deemed to have consented to later hearing dates, than the tentatively scheduled hearing dates, if the resubmittal is not received within the 21 calendar day period. (orig. 10-25-05; am. 5-20-08)

   The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his or her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

f. Submittal of Revised Documents: The Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 10-25-05 am. 5-20-08)

g. 2nd Referral: The referral agencies shall have 14 calendar days to respond in writing to the 2nd referral. (orig. 5-20-08)

h. Forwarding 2nd Referral Comments: The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

   If the applicant has not consented to later hearing dates based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled hearings, the applicant shall submit the Hearing Documents as requested by the Case Manager in accordance with the Hearing Documents phase of the process. (orig. 10-25-05; am. 5-20-08)

i. Response to 2nd Referral: The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for an additional 120 calendar day period if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10)

j. Additional Changes: For the 3rd referral, and for any subsequent referrals thereafter, the Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 5-20-08)

   The referral agencies shall have 7 calendar days to respond in writing to the 3rd referral, and for any subsequent referrals thereafter. (orig. 5-20-08)

   The Case Manager shall have 5 calendar days after the end of the 3rd referral, and for any subsequent referrals thereafter, to provide the applicant with a full Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to hearing or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

k. Hearing Documents: The Hearing Documents shall be comprised of the revised Special Use Plan and other final documents as identified by the Case Manager. (orig. 10-25-05; am. 9-27-11)

If the applicant has not consented to later hearing dates based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the Hearing Documents for the tentatively scheduled hearings. The applicant will be deemed to have consented to later hearing dates if the Hearing Documents are not received within the 10 calendar day period. (orig. 10-25-05; am. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments or to submit the Hearing Documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fee and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods, if in his/her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

l. Hearings Scheduled:

(1) Planning Commission Public Hearing: If the applicant has consented to later hearing dates based on the time frames of this Regulation, the Planning Commission hearing will be scheduled for the first available hearing date after 21 calendar days from the submittal of the Hearing Documents. (orig. 10-25-05; am. 5-20-08)

(2) Board of County Commissioners Hearing: The Board of County Commissioners hearing will be scheduled for the first available hearing date after 19 calendar days from the Planning Commission hearing. (orig. 10-25-05; am. 5-20-08)

m. Hearing Preparation:

(1) Revisions to Documents Prior to Hearing: To ensure completeness and to allow adequate public review, no substantial revisions or additions, except in response to a Staff request or those specifically requested by the Planning Commission or the Board of County Commissioners, may be made to any application or supporting documents within 21 calendar days prior to any public hearing. (orig. 10-25-05; am. 5-20-08)

(2) Notification: Notification of scheduled hearings is required in accordance with the notification provisions of this section. (orig. 10-13-09)

Public Hearings and Post Hearing Review

n. Planning Commission Hearing: The Planning Commission shall review the application and the Staff report, receive testimony and evidence on the application, and shall recommend approval, conditional approval, or denial of the application to the Board of County Commissioners. The Planning Commission may continue the hearing for no more than 40 calendar days without the consent of the applicant. The continuance of a request will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

o. Board of County Commissioners Hearing: The Board of County Commissioners shall review the application, Staff report, and the Planning Commission recommendation, receive testimony and evidence on the application, and shall approve, conditionally approve or deny the application. The Board of County Commissioners may continue the hearing for no more than 40 calendar days without the consent of the applicant. The continuance will typically be to a date certain, however, a continuance without a specific hearing date may be granted when it is not clear how long it will take for the applicant to address the issues associated with the continuance. (orig. 10-25-05; am. 5-20-08; am. 12-

21-10)

p. Post Hearing Review: The applicant shall comply with all conditions of approval within 180 calendar days from the approval date by the Board of County Commissioners. If the applicant does not comply with the conditions within this timeframe, the approval of the Special Use shall be automatically rescinded. The Director of Planning and Zoning may extend this 180 calendar day recordation deadline for additional 180 calendar day periods if, in his/her opinion, the delay is for good cause. (orig. 5-20-08; am. 10-13-09; am. 12-21-10)

The Case Manager shall have 7 calendar days to review all documents submitted by the applicant for compliance with the approval conditions. If the revisions have been made in accordance with the approval conditions, the Case Manager will authorize the preparation of the final Special Use Plan and other any final documents. If additional revisions are required to meet the approval conditions, the Case Manager will return a letter to the applicant identifying the revisions that must be made in order to comply with the approval conditions. (orig. 5-20-08; am. 9-27-11)

If the application needs to return to hearing for a non-substantial change that does not materially affect the content of the approved application, then the Director of Planning and Zoning may allow the application to proceed directly to a hearing before the Board of County Commissioners' without a hearing before the Planning Commission. (orig. 4-20-10; am. 12-21-10)

At such time as the applicant complies with the approval conditions, submits the executed Special Use Plan and other final documents, and pays the recordation fees, Staff will obtain the required County approval signatures on the Special Use Plan and final documents, and have the documents recorded, as appropriate. (orig. 10-25-05; am. 5-20-08; am. 9-27-11)

q. Rehearings of Special Use Cases:

(1) Upon denial of a Special Use application by the Board of County Commissioners, the applicant may petition the Board within 1 year of the Board's decision, requesting a rehearing of its application if there is a substantial change. Said petition shall be comprehensive in delineating all proposed changes. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-6-82; am. 12-17-02; am. 10-25-05)

(2) The Board of County Commissioners at its sole discretion may grant a petition for rehearing where it determines that a substantial change is being proposed that could significantly affect one or more of the reasons for denial of the original case. The Board may deny the petition solely upon the contents of the petition or when deemed advisable by the Board upon the petition and evidence presented. Discussion of such petition may occur at a regularly scheduled Board of County Commissioners briefing. Public testimony will not be allowed during such meeting. (orig. 7-21-81; am. 12-6-82; am. 7-1-03)

(3) When the Board of County Commissioners grants a rehearing petition, it shall set a date and time for said rehearing before the Board, and public notice of same shall be given as set forth in the Special Use Provisions. Planning and Zoning shall present the amended application to the Planning Commission and the Planning Commission shall review and make a recommendation thereon, prior to the date of the Board of County Commissioners rehearing. (orig. 7-21-81; am. 12-6-82; am. 12-17-02; am. 4-27-04; am. 5-20-08)

(4) After conducting the rehearing, the Board of County Commissioners shall approve, conditionally approve or deny the Special Use application as amended based upon the evidence submitted at the rehearing together with the relevant evidence received at the prior hearings on said application. (orig. 7-21-81; am. 10-25-05)

(5) No petition for rehearing may be granted where the decision of the Board of County Commissioners on the Special Use application has been appealed or contested in any court of law or during the pendency of said court action. (orig. 7-21-81; am. 12-17-02; am. 10-25-05)

4. Criteria for Decisions in Special Use Cases

   a. Inclusion of a use as a Special Use within a zone district as set forth in this Zoning Resolution represents a determination only that that use may under certain circumstances or conditions and in certain locations, be compatible with land uses in the surrounding area. Special review of such proposed use to determine its compatibility with those other uses is necessary and therefore such use may not occur without approval of the Board of County Commissioners as set forth in this Zoning Resolution. (orig. 7-21-81)

   b. The Planning Commission, in reviewing Special Use applications, and the Board of County Commissioners, in making its decision upon such applications, shall consider the following criteria: (orig. 7-21-81)

      (1) The impacts of the proposed use upon property in the surrounding area, including but not limited to: (orig. 7-21-81)

         (a) Traffic impacts, volumes of trips, safety and access; (orig. 7-21-81; am. 9-11-90)

         (b) Fire hazards; (orig. 7-21-81)

         (c) Visual and aesthetic impact, including bulk, scale of buildings as they relate to the surrounding uses; (orig. 7-21-81; am. 9-11-90)

         (d) Solar access; (orig. 7-21-81)

         (e) Noise; (orig. 7-21-81)

         (f) Geological hazards; (orig. 7-21-81)

         (g) Drainage, erosion and flood hazards; (orig. 7-21-81)

         (h) Radiation hazards; (orig. 7-21-81)

         (i) Community character; (orig. 7-21-81)

         (j) Adequate water quality and quantity and sewage disposal availability; (orig. 7-21-81)

         (k) Availability of public facilities to serve the proposed use. (orig. 7-21-81)

      (2) The availability of methods of mitigating the negative impacts of the proposed use upon the surrounding area, including but not limited to construction of necessary public facilities. (orig. 7-21-81)

      (3) The compatibility of the proposed use with existing and allowable land uses in the surrounding area. (orig. 7-21-81)

      (4) The effect upon health, safety and welfare of the residents in the surrounding area. (orig. 7-21-81)

   c. Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the proposed use upon the surrounding area, the Board of County Commissioners may condition the decision to approve the Special Use application upon implementation of such methods or techniques and may require sufficient performance guarantees to be posted with the County to guarantee such implementation. (orig. 7-21-81)

5. Limitations upon Special Use Applications

   a. The lot, parcel, or boundary area subject to the Special Use must conform to the minimum lot and building standards of the underlying zone district. (orig. 9-11-90; am. 10-25-05, am. 10-13-09)

   b. Except as provided in the "Rehearings of Special Use Cases" portion of this section, no Special Use application shall be accepted for the same Special Use for the same parcel of ground or portion thereof for which a previous application has been denied by the Board of County Commissioners within 1 year prior to the date of filing of said application. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 10-25-05)

   c. A Special Use application shall not be accepted for any lot, parcel, tract of land or portion thereof where a court action brought by the applicant is pending against the County

contesting the existing zoning or any previous Special Use decision of the Board of County Commissioners thereon. (orig. 7-24-72; am. 7-21-81; am. 7-1-03; am. 10-25-05)

d. A Special Use application shall not be accepted by Planning and Zoning as long as there is a pending application for Rezoning or Special Use of said premises before the Planning Commission or the Board of County Commissioners. However, nothing herein shall prevent amendment of a pending application before the Planning Commission or the Board of County Commissioners by the applicant, except amendment to a new zone district or Special Use that is more restrictive than the original request will require that the pending application be withdrawn and a new application be submitted in accordance with the "Special Use Procedures," portion of this section. (orig. 7-11-66; am. 2-7-72; am. 7-21-81; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

O. Site Development Plan

1. Intent and Purpose

The Site Development Plan process was established to provide an administrative evaluation procedure for industrial, commercial, multi-family, recreational and institutional developments that do not include the subdivision of land. The development must be in compliance with Plat and/or Exemption from Platting restrictions, zoning conditions, the Land Development Regulation and the Zoning Resolution. (orig. 7-23-02; am. 12-17-02; am. 4-20-10)

The process outlines time frames and expectations, providing the applicant with a clear understanding of the steps involved prior to the final decision on the application. The Director of Planning and Zoning may waive the time frames included in this process depending on the Planning and Zoning staffing levels and complexity of the application. (orig. 7-23-02; am. 12-17-02; am. 5-20-08; am. 4-20-10; am. 12-21-10)

2. Application

a. Compliance with this process shall be required for industrial, commercial, multi-family recreational and institutional uses in the following situations. (orig. 7-23-02; am. 7-12-05; am. 4-20-10)

(1) Prior to the issuance of any permit to construct any new building or structure. (orig. 7-23-02; am. 7-12-05; am. 4-20-10)

(2) Prior to the issuance of any permit to construct an addition of 50% or greater to any existing building or structure. (orig. 7-23-02; am. 7-12-05; am. 4-20-10)

(3) Prior to the issuance of any building permit to construct an addition of 5,000 square feet or greater even if the addition is less than 50% of an existing building or structure. (orig. 4-20-10)

(4) Subsequent to any changes from a residential use or residential zoning to an industrial, commercial or institutional use or zone regardless of whether there are existing or proposed structures. (orig. 7-23-05; am. 7-12-05; 4-20-10)

(5) Prior to the creation of any additional multi-family units within an existing structure. (orig. 4-20-10)

(6) When modifying a previously approved Site Development Plan, unless the modification is determined to be minor in accordance with the provisions of this section. (orig. 4-20-10)

b. This process shall not be applicable to:

(1) Residential land uses, with the exception of multi-family. (orig. 7-23-02; am. 4-20-10; am. 12-21-10)

(2) Any property that had a site plan reviewed and approved as part of an approved Plat, Site Approval, or Exemption from Platting after 1978 and prior to the adoption of the Site Development Plan process (July 23, 2003), if proposed for development as originally approved. (orig. 7-23-02; am. 4-27-04; am. 4-20-10)

(3) Planned Developments for Mining. (orig. 7-23-02)

(4) Government facilities. (orig. 7-11-07; am. 4-20-10)

c. The Site Development Plan process may occur simultaneously with other development or entitlement processes. (orig. 7-23-02; am. 12-17-02; am. 5-20-08; am. 4-20-10)

d. The Site Development Plan Process is allowed on either platted or unplatted property, provided that the property is a proper division of land. (orig. 4-20-10)

e. The Site Development Plan may redefine building envelopes defined on a previously approved Plat or Exemption from Platting, provided the new building envelope complies with all of the requirements of the Land Development Regulation and Zoning Resolution. (orig. 4-20-10)

f. A nonrefundable processing fee in an amount established by the Board of County Commissioners is required for this process. (orig. 5-20-08)

g. Notification is required in accordance with the Notification section. (orig. 10-16-09; am. 4-20-10)

h. The following procedure and requirements shall apply to Site Development Plan applications. (am. 5-20-08)

3. Procedure

If the applicant complies with all given time frames, submits a complete application and complies with all requirements of this Regulation, the estimated time to reach the Determination Phase of the process is 70 calendar days from the date of the 1st Referral. (orig. 10-25-05; am. 5-20-08)

Process Steps	Processing Time Frames	
Optional Pre-Application Review Process or Meeting with Staff	Prior to Process	
Steps prior to 1st Referral		
Sufficiency Review	7 calendar days	
Formal Application	3 calendar days	
Process from 1st Referral to Determination		
1st Referral	14 calendar days	70 Days to tentatively scheduled determination if processing time frames are met.
Forwarding 1st Referral Comments	5 calendar days	
Response 1st Referral	21 calendar days	
Submittal of Revised Documents	3 calendar days	
2nd Referral	7 calendar days	
Forwarding 2nd Referral Comments	5 calendar days	
Final Documents	10 calendar days	
Determination Preparation	5 calendar days	
Determination		
Determination	Time varies based on Zoning Administrator action and the applicant meeting approval conditions	

Prior to submitting an application for this process, it is recommended that the applicant go through the Pre-Application Review Process, as identified in the Pre-Application Process section. The Pre-Application Review Process will help identify the key issues that will need to be addressed during the Site Development Plan process and will also help to establish the specific submittal requirements. The specific submittal requirements can also be established by obtaining an appointment with Staff to discuss the proposal. (orig. 10-13-09; am. 12-21-10)

If the applicant is unable or unwilling to comply with a standard in the Land Development Regulation, then a request for a waiver from that standard must be made by the applicant pursuant to the waiver requirements of the Land Development Regulation. Waiver requests shall be approved prior to approval of the Site Development Plan. (orig. 7-23-02; am. 10-25-05)

If the applicant is unable or unwilling to comply with a standard in this Zoning Resolution, then a request for a variance or minor variation from that standard shall be made by the applicant pursuant to the requirements of this Zoning Resolution. Variance or minor variation requests shall be approved prior to approval of the Site Development Plan. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am. 4-20-10)

Steps Prior to 1st Referral

a. Sufficiency Review: The applicant shall submit all documents as identified in the Submittal Requirements section of this Regulation for review by Staff. (orig. 5-20-08; am. 10-13-09)

Staff shall have 7 calendar days to review this submittal. (orig. 5-20-08)

Staff will review the sufficiency application to determine if the submittal documents are complete. Following this review, Staff will prepare a letter explaining any deficiencies in the submittal documents. The letter will include a referral matrix that identifies the referral agencies that will require referral documents. The response from Staff will also include a request for the applicant to submit the notification documents that are required to be mailed when the case is sent out on the 1st Referral. The applicant shall revise the submittal information as may be required to comply with County standards, and then submit the Formal Application. (orig. 10-25-05; am. 5-20-08; am. 10-13-09)

b. Formal Application: The applicant shall submit all documents as identified in the Staff response to the Sufficiency Review. (orig. 5-20-08; am. 10-13-09)

The Case Manger shall have 3 calendar days to refer the application and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 7-23-02; am. 12-17-02; am. 4-27-04; am. 10-25-05; am. 5-20-08)

Process from 1st Referral to Determination

c. 1st Referral: The referral agencies shall have 14 calendar days to respond in writing to the application. An extension of no more than 30 calendar days may be agreed to by the applicant. (orig. 5-20-08)

Notification is required at the time of the 1st Referral in accordance with the notification provisions of this section. (orig. 10-13-09)

The Case Manager will identify the tentative date for reaching the Determination phase of the process. The date will be set when the application is sent out on the 1st Referral. (orig. 7-23-02; am. 12-17-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

d. Forwarding 1st Referral Comments: The Case Manager shall have 5 calendar days, after the end of the referral period, to provide the applicant with a Staff response inclusive of other referral responses. If the Case Manager indicates that the application is in substantial conformance with all applicable regulations and that only minor revisions to the documents are required, the application may proceed directly to the Final Documents phase of the process. (orig. 5-20-08)

Under this circumstance, the application will be able to reach the Determination phase of the process earlier than the date tentatively scheduled at the time of the 1st Referral. (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 10-25-05; am. 5-20-08)

e. Response to 1st Referral: The applicant shall have 21 Calendar days to address in writing any issues identified by the Case Manager or any referral agency and resubmit revised documents for the 2nd referral. (orig. 5-20-08)

The applicant will be deemed to have consented to a later determination date, than that tentatively scheduled, if the resubmittal is not received within the 21 calendar day period. (orig. 5-20-08)

The applicant shall have a maximum of 120 calendar days to respond to the referral comments or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 7-23-02; am. 12-17-02; am. 10-25-05; am 5-20-08; am. 12-21-10)

f. Submittal of Revised Documents: The Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 7-23-02; am. 7-1-03; am. 4-27-

04; am. 10-25-05; am. 5-20-08)

g. 2nd Referral: The referral agencies shall have 7 calendar days to respond in writing to the 2nd referral (orig. 5-20-08)

h. Forwarding 2nd Referral Comments: The Case Manager shall have 5 calendar days after the end of the referral period to provide the applicant with a Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward to the Determination phase or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

   If the applicant has not consented to a later determination date based on the time frames of this Regulation and chooses to move forward to the tentatively scheduled determination date, the applicant shall submit the final documents as requested by the Case Manager in accordance with the Final Documents phase of the process. (orig. 10-25-05; am. 5-20-08)

i. Response to 2nd Referral Comments: The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 5-20-08; am. 12-21-10)

j. Additional Changes: For the 3rd referral, and for any subsequent referrals thereafter, the Case Manager shall have 3 calendar days to refer the revised documents and referral fees to County divisions/departments and other agencies. A submittal package that is not complete in terms of the type and quantity of documents required will not be sent out on referral. (orig. 5-20-08)

   The referral agencies shall have 7 calendar days to respond in writing to the 3rd referral, and for any subsequent referrals thereafter. (orig. 5-20-08)

   The Case Manager shall have 5 calendar days after the end of the 3rd referral, and for any subsequent referrals thereafter, to provide the applicant with a full Staff response inclusive of referral agency responses. The response from the Case Manager will include an opinion as to whether or not the case should proceed forward for determination or if revised documents should be submitted for a subsequent referral process. (orig. 5-20-08)

   The applicant shall have a maximum of 120 calendar days to respond to the referral comments, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

k. Final Documents: The final documents shall be comprised of the executed Site Development Plan Mylar, the executed improvement agreement (if applicable) and other final documents as identified by the Case Manager. (orig. 5-20-08)

   If the applicant has not consented to a later determination date based on the time constraints of this process, the applicant shall have 10 calendar days to address, in writing, any issues identified by the Case Manager or any referral agency and submit the final documents for the tentatively scheduled determination date. The applicant will be deemed to have consented to a later determination date if the final documents are not received within the 10 calendar day period. (orig. 5-20-08)

   The applicant shall have a maximum of 120 calendar days to respond to the referral comments or submit the final documents, or the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Director of Planning and Zoning may extend this 120 calendar day maximum response deadline for additional 120 calendar day periods if, in his/her opinion, the delay in response is for good cause. (orig. 10-25-05; am. 5-20-08; am. 12-21-10)

l. Determination Preparation: The Case Manager shall have 5 calendar days to review the final documents and prepare the Staff recommendation. (orig. 10-25-05; am. 5-20-08)

If the additional revisions are required to comply with County standards, the Case Manager will return a letter to the applicant identifying the revisions that must be made in order to gain Staff support for the proposal. (orig. 5-20-08)

Determination and Post Determination

m. Determination: The Zoning Administrator shall have 5 calendar days to review the request and staff recommendation and approve, approve with conditions, or deny the application. The Zoning Administrator may ask for additional documents before making a determination. Upon approval by the Zoning Administrator, Staff shall record the approved Site Development Plan. (orig. 10-25-05; am. 5-20-08; am. 4-20-10)

The applicant shall obtain building permits within 2 years of Site Development Plan approval, or the approval shall be rescinded. (orig. 7-23-02; am. 5-20-08; am. 4-20-10)

An approval by the Zoning Administrator may be subject to the applicant meeting certain conditions before the issuance of building permits. (orig. 7-23-02; am. 4-27-04; am. 10-25-05)

n. Appeal of a Denial of a Site Development Plan: An appeal of a denial of a Site Development Plan shall be made to the Board of Adjustment in writing within 30 calendar days of the denial, otherwise Planning and Zoning will consider the application withdrawn. In the case of a withdrawn application or a denial of an appeal, a new application shall be required to process a Site Development Plan on the same property. In the case of a successful appeal, the approved

site plan shall be recorded and filed in Planning and Zoning files. (orig. 7-23-02; am. 4-27-04; am. 5-20-08)

o. Modifications to the Site Plan and Supporting Documents: The Zoning Administrator or his/her appointed designee may approve minor modifications to the approved Site Plan and supporting documents, so long as such modifications are consistent with the overall intent of the Zoning Resolution, the Land Development Regulation, Plat and Exemption From Platting restrictions, and zoning conditions, and do not result in adverse impacts that were not considered at the time of the original Site Development Plan approval. If the Zoning Administrator determines that a proposed modification is not minor, then the applicant will be required to file a new application with the required fees and documents. (orig. 7-23-02; am. 12-17-02; am. 4-27-04; am. 5-20-08)

4. Plan Format

a. All plans listed in this section shall be 24x36 inches with the long dimension being horizontal. The Plans shall include the following information in the format described. (orig. orig. 7-23-02; am. 4-20-10))

(1) An information block shall be located in the lower right-hand corner or along the right hand margin of the sheet and shall include the following information: (orig. 7-23-02)

(a) Sheet title (i.e. Site Development Plan, Landscape Plan, etc.) (orig. 7-23-02; am. 7-1-03)

(b) Name of the proposed project (orig. 7-23-02)

(c) Name, address, and telephone number of the applicant if different than the owner (orig. 7-23-02)

(d) Name, address, and telephone number of the preparer if different than the applicant (orig. 7-23-02)

(e) Name, address, and telephone number of the owner (orig. 7-23-02)

(f) Date of plan preparation, and revision dates (orig. 7-23-02)

(g) Sheet page number (i.e., 1 of 3, 2 of 3, etc.) (orig. 7-23-02)

(2) The Planning and Zoning assigned case number shall be located in the upper right corner of each sheet. (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 4-4-06; am. 4-20-10)

(3) A graphic and written scale. (orig. 7-23-02; am. 4-4-06; am. 4-20-10)

(4) A North Arrow. The graphic should be oriented with north to the top of the page, unless otherwise approved by Planning and Zoning. (orig. 7-23-02; am. 4-4-06; am. 4-20-10)

b. The Site Development Plan shall include the following:

(1) A neat and legible drawing of the proposed site layout showing the required information at a scale of one (1) inch to 50 feet or larger, or as approved by Planning and Zoning. The drawing shall include the following information: (orig. 7-23-02; am. 7-1-03; am. 4-27-04; am. 5-20-08; am. 4-20-10)

(a) The size, location, and type of all existing and proposed easements or other rights-of-way. (orig. 7-23-02)

(b) Fully-dimensioned property lines and all non-buildable areas, if previously defined, and building footprints, and setbacks of all proposed and existing structures which are to be retained on the site. ((orig. 7-23-02; am. 12-17-02; am. 4-4-06)

(c) Location, dimensions and names of proposed, platted and existing adjoining streets, and internal streets showing edge of right-of-way and pavement or face of curb, centerline, radii, and curb return radii. A note shall be placed on the Site Plan indicating whether the proposed streets are to be public or private. (orig. 7-23-02; 4-4-06)

(d) Driveways and intersections adjacent to, or across the street from the subject property. (orig. 2-22-02; am. 12-17-02; am. 10-25-05)

(e) Approximate proposed and existing street grades. (orig. 2-22-00; am. 12-17-02; am. 10-25-05)

(f) Location of existing and proposed access points. (orig. 2-22-00; am. 10-25-05)

(g) Location and dimensions of bicycle/pedestrian/equestrian paths, walkways, and trails shall be shown. (orig. 7-23-02)

(h) Location and placement of all signage and freestanding walls. (orig. 7-23-02; am. 12-17-02; am. 7-1-03)

(i) The location of all existing and proposed fire hydrants or cisterns. (orig. 7-23-02)

(j) The location and size of existing/proposed wells and sewage disposal system absorption fields. (orig. 2-22-00; am. 10-25-05)

(k) Location and type of existing and proposed easements and utility lines. (orig. 2-22-00; am. 10-25-05)

(l) Existing and proposed surfacing of all traveled areas, on-site and within 100 feet off-site. (orig. 7-23-02)

(m) Existing floodplain limits (if applicable). (orig. 7-23-02; am. 10-25-05)

(n) Location of any known hazardous areas, or a note stating that no known hazardous areas exist. (orig. 2-22-02; am. 12-17-02; am. 10-25-05)

(2) The title shall be comprised of a main title and a subtitle. The main title should be a large bold text, while the subtitle is a non-bold smaller text. The following formats shall be used, unless otherwise approved by Planning and Zoning: (orig. 7-1-03; am. 4-20-10)

(a) For parcels within a recorded Plat or Exemption from Platting: (orig. 7-1-03; am 4-20-10)

(Plat or Exemption Title) Lot(s) ___
Site Development Plan
Located in the ___ ¼ of Sec ___, T___S, R___W of the
6th Principal Meridian, County of Jefferson, State of Colorado

(b.) For parcels not located in a recorded Plat or Exemption from Platting: (orig. 7-1-

03; am 4-20-10)

Site Development Plan – (Project Name)
Located in the ___ ¼ of Sec ___, T___ S, R ___ W, of the
6th Principal Meridian, County of Jefferson, State of Colorado

(3) A vicinity map showing adequate information for the reviewer to easily locate the project. The vicinity map need not be scalable; however it must be legible and located within the upper left-hand corner of the site plan. (orig. 7-23-02; am. 7-1-03)

(4) The complete legal description of the parcel shall be located immediately below the vicinity map on the left side of the document. If the Site Development Plan is only affecting a small portion of the overall ownership of a property, then Planning and Zoning may allow the legal description to be confined to a use area or a lease area within the larger parcel. (orig. 7-1-03; am. 4-20-10)

(5) A note section shall be located below the legal description and shall include any standard Site Development Plan notes as well as any notes listed on a previous Plat or Exemption document that must be satisfied prior to the issuance of building permits. (orig. 7-1-03; am. 4-20-10)

(6) The following Approval Certificate shall be placed on the first page: (orig. 7-23-02; am. 4-20-10)

This site plan has been reviewed and found to be complete, and in accordance with Jefferson County regulations and is hereby approved by the County and agreed to by the landowner.

_____
Jefferson County Zoning Administrator Date

_____
(Owner(s) Name) Date

(a) All individuals shall sign their names as shown on the deed of ownership. Corporate ownership or interest shall be shown by the official signature of the necessary officers of the Corporation. The full name of the corporation shall be shown above their signatures and the seal affixed. All partners of a general partnership must sign the certification. All general partners of a limited partnership and all members of a limited liability company must sign the certification unless the limited partnership agreement or Articles of Organization, respectively, authorize otherwise. (orig. 10-25-05)

(b) The owners signature(s) shall be acknowledged utilizing the forms provided in 12-55-208 C.R.S. with the Notary Seal affixed as near as practicable to the acknowledgement. (orig. 10-25-05)

(c) With the approval of the Attorney's Office, the certification or acknowledgment may be modified based on unique situations provided such modification protects the interests of Jefferson County. (orig. 10-25-05)

COUNTY OF) ss:

STATE OF)

The foregoing dedication and the foregoing covenant and plat restriction on conveyance, sale or transfer were acknowledged before me this _____ day of _____ 20 ____, by *(name-printed) .

WITNESS my hand and official seal.

SEAL _____

NOTARY PUBLIC

My Commission expires: 20 _____

(7) The following Clerk and Recorder's Certificate shall be placed on the first page:

Accepted for filing in the Office of the County Clerk and Recorder of

Jefferson County at Golden,

Colorado, this day of _____, 20 _____.

_____

County Clerk and Recorder

_____

By: Deputy Clerk

(8) The following Site Data Table shall be placed on the Site Development Plan: (orig. 7-23-02; am. 10-25-05)

Site Data	
Total area of the property	(square feet)
Total multi-family units	
Building coverage	(square feet)
Parking lot coverage	(square feet)
Landscaped area coverage	(square feet)
Number of parking spaces required	
Number of parking spaces provided	
Existing and proposed gross floor area of all buildings and structures, shown per use (e.g. retail, office, etc.)	(square feet)

c. Landscape Plan: The landscape plan shall be prepared by a landscape architect and shall include all of the following: (orig. 7-23-02)

(1) Scale (scale shall be at least 1:20 or larger for sites of 2 acres or less and at least 1:50 for sites greater than 2 acres in size); (orig. 7-23-02)

(2) The proposed site grading topographic contours at a minimum of 2-foot intervals (in steep terrain, larger intervals may be required) or other appropriate interval as approved by Planning and Zoning and necessary spot elevations; (orig. 7-23-02; am. 12-17-02; am. 4-27-04; am. 5-20-08)

(3) Plant legend, shown on each sheet, including botanical and common plant names, plant sizes and quantities of all trees, shrubs, and ground covers proposed and slated for preservation; (orig. 7-23-02)

(4) Seed mixes, application rates, and quantities; (orig. 7-23-02)

(5) The location and size of all landscaped areas within the site, sight distance triangles, lot boundaries, trees and vegetation (proposed and to be preserved), significant existing physical site features (e.g. watercourses, rock outcroppings), property lines and easement locations, utilities (e.g. water, sewer, telephone, power, cable), existing and proposed buildings and structures, existing and proposed driveways, roads, walkways (including grades), plazas, buildings, playground equipment, parking areas, landscape amenities (e.g. fences, walls, planters, benches, signs), areas to be paved, graveled or covered by decks, retaining walls, detention ponds, drainageways or swales, areas to be revegetated, proposed plants to a scale at maturity, soil amendments, existing vegetation and its condition, 100-year floodplain, all areas on and off-site, including within the adjacent rights-of-way, that will be disturbed by construction activity. (orig. 7-23-02)

(6) Planting and construction details (where applicable) as well as plan notes to assist in clarifying design intent; (orig. 7-23-02)

(7) Easement(s) for any off-site landscaping proposed; and (orig. 7-23-02)

(8) A phasing plan for multi-phased projects identifying the separate phases, revegetation, stabilization and erosion control between phases, and the landscaping associated with each phase. (orig. 7-23-02)

d. Architectural Elevations: The architectural elevations shall include all of the following:

(1) Scale (scale shall be at least one-eighth inch equals one foot); (orig. 7-23-02)

(2) Building elevations of all sides of proposed buildings with proposed and existing grades; (orig. 7-23-02)

(3) Building materials and colors of exterior walls, roofs, doors, and windows; (orig. 7-23-02)

(4) Changes in building plane; (orig. 7-23-02)

(5) Building heights; (orig. 7-23-02)

(6) Location and screening of mechanical equipment; (orig. 7-23-02)

(7) A note indicating the reflectivity or opacity of mirror glass for buildings in the Mountains; and (orig. 7-23-02)

(8) Colored renderings and material boards (upon request by Planning and Zoning). (orig. 7-23-02; am. 4-27-04; am. 5-20-08)

e. Lighting Plan: A lighting plan certified by a lighting designer, lighting engineer, licensed electrical contractor, or someone with experience in the lighting field showing all of the following: (orig. 7-23-02)

(1) The location and height of all existing and proposed building and ground-mounted luminaries; (orig. 7-23-02)

(2) Photometric data indicating the maximum foot-candles at all property lines; (orig. 7-23-02)

(3) A description of all proposed luminaries, including lamp type, the manufacturer, lamp wattage, lumen output per lamp, mounting or support device, and shielding (manufacturer’s catalog cuts and drawings may be submitted); (orig. 7-23-02)

(4) Any additional information as may be required by Planning and Zoning to determine compliance with County regulations or to support the Illuminating Engineering Society of North America’s recommended practices. Exceptions to the Illuminating Engineering Society of North America's recommended practices can be made by the County where necessary for safety purposes. (orig. 7-23-02; am. 4-27-04; am. 5-20-08)

(5) All calculations and results, including all sources and assumptions. (orig. 7-23-02)

(6) A statement of certification addressing accountability for the content and accuracy of the submitted lighting plan and the installation of the lights according to the approved lighting plan. It is the responsibility of the owner to ensure compliance to all standards in effect. (orig. 7-23-02)

f. Parking Plan: A parking plan (which may be combined with the civil construction plans) showing all of the following: (orig. 7-23-02)

(1) The location, size, area, dimensions and configuration of all proposed off-street parking and loading bays, access drives, maneuvering lanes, medians, pedestrian areas, curb cuts, easements, and accessible ramps and spaces; (orig. 7-23-02)

(2) The direction of traffic circulation and the location, size, type, and height of all proposed traffic signs, and the material, color, line width, and pattern of all surface markings; (orig. 7-23-02)

(3) The percent grade of the parking lot surface and the direction of drainage flow as indicated by arrows; (orig. 7-23-02)

(4) The material and construction drawings of the parking surface, including cross-sections; and (orig. 7-23-02)

(5) The location of any off-site or remote parking spaces or areas and a complete parking plan for these areas together with evidence that indicates these areas are to be used for parking for the proposed use. (orig. 7-23-02)