

Section 29 - Planned Development District

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

A. Intent and Purpose

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

B. Permitted Uses

1. The PD Zone District may include uses of any nature (residential, commercial, conservation, mining, industrial, public or quasi-public, etc.), however, the uses and standards for a PD Zone District are limited to those included in the Official Development Plan (ODP). (orig. 6-1-93; am. 5-21-19)

C. Procedure, Plan Submittal, and Consideration

1. All PD District Rezoning shall be filed in accordance with the procedures and limitations contained in the Administrative Provisions Section of this Zoning Resolution. (orig. 6-1-93; am. 7-11-06)

D. PD For Mining:

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

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

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

D. General Requirements

- 1. A sexually oriented business shall not be located in a PD Zone District unless such use was specifically listed in the ODP prior to July 8, 1997, the effective date of this Resolution, or unless the Permitted Uses set forth in the ODP refer to and incorporate the uses permitted in the C-2, I-1, I-2, I-3, and I-4 Zone Districts of this Zoning Resolution. (orig. 7-8-97; am. 12-17-02; am. 7-11-06)
- 2. All other general requirements and/or provisions of this Zoning Resolution shall apply to the PD unless otherwise specified in the ODP. (orig. 1-17-84)

E. Use of Land Designated as open space in an ODP that is not owned by the State of Colorado or any political subdivision thereof, or by the Jefferson County R-1 School District School

- a. Unless otherwise specified within the ODP, permitted uses in areas designated in the PD Zone District as open space, conservation, preservation, or other similar term, are limited to the following. (orig. 8-31-93)
 - (1) Passive recreation, defined as activities which use the land with minimal disturbance and which do not utilize structures or permanently installed equipment. (orig. 8-31-93)
 - (2) Recreational trails for non-motorized use, except that motorized wheelchairs are permitted. (orig. 8-31-93)
 - (3) Perimeter fence with a maximum height of 42". (orig. 8-31-93)
 - (4) Signs 6 square feet or less that are accessory to a permitted open space use. (orig. 8-31-93)
 - (5) Structures under 250 square feet for restrooms, picnic shelters, maintenance equipment storage or other use accessory to a permitted open space use. (orig. 8-31-93)
 - (6) Properly managed grazing of horses, cattle, sheep, goats, wildlife or other grazing or browsing animals. (orig. 8-31-93)

- (7) Forest management activities designed to promote healthy and aesthetic forests. (orig. 8-31-93)
- b. Rezoning shall be required for parking areas, interior fences, access drives, and active recreation which requires permanently installed equipment, structures larger than 250 square feet or any other use not set forth above. (orig. 8-31-93)