

# Clear Creek County Zoning Regulations: Section 9

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## SECTION 9. PLANNED DEVELOPMENT

### 901. PURPOSE

The Planned Development District provides a means of developing tracts of land for creative and flexible development concepts not otherwise provided for within other zoning districts and which would achieve a more desirable environment than would be possible through the strict application of the minimum standards of other zoning districts. A PD development concept will usually contain a mix of uses, or specific uses, not allowed in other zoning districts while providing a continuity of design and development through total integration of project planning.

### 902. OFFICIAL DEVELOPMENT PLAN

Planned Development Districts shall be subject to an Official Development Plan (ODP) that will include the Site Plan as described in Section 908, and outline site specific development plans and conditions of approval that may include, but not be limited to the following:

- 902.1. Permitted uses and use regulations
- 902.2. Area and Setback Regulations
- 902.3. Existing and modifications to man-made and significant natural features;
- 902.4. Mitigation provisions for natural hazards, wildlife, and/or wetlands;
- 902.5. Description of architectural features of existing and proposed structures such as architectural elevations with notations describing form, height, size, density, location, exterior materials, and colors (e.g., building, signs, fencing, structures, exterior lighting);
- 902.6. All utility installations, including locations of utility service connections;
- 902.7. Location and screening of trash and garbage;
- 902.8. The location and/or dimensions of all roads, easements, driveways, sidewalks, and off-street parking;
- 902.9. The location and specifications of proposed landscaping, fencing, walls, and screening;
- 902.10. Location, and/or description of water and wastewater provisions;
- 902.11. Topographic information, including site grading plan and storm water management;
- 902.12. Plan(s) for emergency services protection;
- 902.13. Requirements for Performance Guarantee to assure completion of certain improvements; and
- 902.14. Restrictions/requirements of any outdoor storage of materials or equipment.

### 903. ACCESSORY USES AND BUILDINGS

In conjunction with a primary use as outlined in ODP, a PD classified parcel of land may be used, subject to other federal, state, and county laws, for the following:

#### 903.1. Small Wind Energy Systems

The total extended height shall not exceed one hundred, thirty five (135) feet in height for systems **not** located within 1) a parcel listed on the National Register of Historic Places, 2) the scenic corridors of Guanella Pass Road and CO Hwy. 103, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the document, Geneva Creek Basin Project, a Project of the Clear Creek County Open Space Commission dated November, 2003.

#### General Provisions

Setbacks for said systems shall be the distance equal to the total extended height of the system. Systems may be allowed closer to a property line than its total extended height if the adjacent property owner(s) grants written permission in a form approved by the County and the installation poses no interference with public utility lines or public road and/or rail rights-of-way. Other than height, such systems are applicable to the zoning district performance standards. Systems shall not be lighted.

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Methods shall be utilized on any turbine in order to prevent unauthorized climbing. If a small wind energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

### 903.2 Small Solar Energy Systems

No part of a freestanding system shall exceed thirty-five (35) feet in height. Such systems accessory to and part of a building shall be considered an appurtenance and comply with the maximum height allowances for appurtenances. Such systems are applicable to the zoning district performance standards. Such systems shall not be lighted. If a small solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the system shall be removed no later than 90 days after the end of the 12 month period.

## 904. USES REQUIRING SPECIAL USE PERMIT

Pursuant to Section 12 - Special Use Permits of these Regulations, land may be issued a permit for other uses determined to be compatible with the uses in the same zoning district. A financial guarantee to ensure termination of the use and removal of associated structures, reclamation and/or revegetation when appropriate, in a form acceptable to the County Attorney may be required. The following additional uses require a Special Use Permit

904.1. Small Wind Energy Systems that are located within 1) an area listed on the National Register of Historic Places, 2) either the Guanella Pass Road or CO Hwy. 103 scenic corridors, 3) the Silver Heritage Area, or 4) the Geneva Creek Basin Project Area, as described in the *Clear Creek County Master Plan 2030*, and further defined in the Geneva Creek Basin Project document.

904.2 Small Wind Energy Systems with a total extended height over one hundred, thirty five (135) feet in all unincorporated areas of Clear Creek County.

904.3 Distributed Solar Energy Systems

904.4 Short Term Rental (*revised May 1, 2018*)

904.5 Large Short Term Rental (*revised May 1, 2018*)

## 905. SUBMITTAL PROCESS

### 905.1 Sketch Plan (Intent/Submittal Requirements)

The sketch plan is intended to be an optional process that provides an applicant the opportunity to submit a basic conceptual plan in order to allow the County and public to evaluate and discuss basic concepts for development prior to an applicant moving forward to submitting detailed plans and engineering required in the final plan process. An applicant may choose to bypass the “two-step process” and apply for a final plan for consideration where all issues identified in the sketch plan and final plan will be considered.

The purpose of sketch plan review is for the applicant, the County and the general public to evaluate and discuss the basic concepts for development of the proposal and to consider whether rezoning of the property to PD will result in a significant improvement over its development in a conventional zoning district by accomplishing the following:

905.1.1. Reach general agreement on such issues as, but not limited to; appropriate range of units, amount of commercial space for development, types of uses, dimensional limitations, general locations of development, and general alignments for access, and whether water supply and sewage disposal will be provided via on-site systems or through connection to public systems.

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- 905.1.2 Feasibility of the proposal in consideration of environmental constrains and availability of services and infrastructure, based on the results of the Site Characteristics Analysis and information received from public service agencies.
- 905.1.3. Whether the proposal complies with the purpose and intent of the *Clear Creek County Master Plan* the Zoning Regulations, and is generally compatible with surrounding land uses.
- 905.1.4. The outcome of the sketch plan review should be an identification of issues and concerns the applicant must address if the project is ultimately to receive approval of the proposal from the County.

A sketch plan is the first step in establishing land uses and siting restrictions for a parcel(s) of land. The uses, minimums and maximums provided in the ODP will be reviewed at the Final Plan stage to further determine the appropriateness for the particular site and neighborhood. Once a Sketch Plan has been approved, a final plan which complies with the terms, conditions and requirements of the approved sketch plan must be submitted and approved. The final decision regarding zoning uses occurs only during the review of the final plan which must comply with all applicable restrictions and regulations.

### 905.2. Final Plan (Intent/Submittal Requirements)

The purpose of final plan review is for the applicant to respond to the issues and concerns identified during sketch plan review and to formulate detailed, properly engineered solutions to those issues and concerns that conform to the approved sketch plan. The final plan stage is when the applicant is to provide detailed information and mitigation proposals to be evaluated by the County. The final plan shall include phasing, if applicable, guiding the sequence of development over time, and it shall include a guide to the development of the PD specifying the limitations that will guide the future development of the property.

### 905.3. Submittal Process

The following process will be followed for both Sketch Plan and Final Plan applications.

#### 905.3.1. Pre-application Conference

Prior to submittal of an application, the applicant shall meet with the Planning Department to determine if rezoning to PD is applicable to their particular development request and to review the procedure and submittal requirements. The applicant should bring applicable documentation for review.

905.3.2. After a site visit has been conducted, the Planning Department will determine any additional submittal requirements needed (other than the general requirements), and will provide them in writing to the applicant.

905.3.3. The applicant shall submit one (1) copy of the submittal to the Planning Department.

905.3.4. The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal shall not be processed.

905.3.5. Once the submittal is determined complete by the Planning Department, staff will notify the applicant of the number of copies and content of the submittal required to be provided for distribution.

905.3.6. The Planning Department will notify adjacent property owners within 300 feet of the boundaries of the subject parcel(s) and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis.

905.3.7. Referral agencies shall be given twenty-one (21) calendar days prior to the Planning Commission public hearing to comment.

905.3.8. Based upon the submittal documentation, site characteristics analysis, and comments received, the Planning Department will prepare a staff recommendation/report and draft resolution for the Planning Commission public hearing.

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- 905.3.9. The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the Planning Commission public hearing. The applicant will be notified of the public hearing date, time, and place.
- 905.3.10. At least fourteen (14) calendar days prior to the Planning Commission public hearing, the applicant shall post and maintain a notice on the parcel(s) under consideration. The notice(s) shall be placed within ten (10) feet of the property line and visible from the right-of-way. Signs will be provided by the Planning Department.
- 905.3.11. During the public hearing, the Planning Commission shall evaluate the submittals, referral comments, staff report, and public testimony, and make a recommendation to the Board of County Commissioners (BOCC) to approve, approve with conditions, or deny the application.
- 905.3.12. The applicant may be required to provide additional information prior to the BOCC public hearing based on conditions/stipulations recommended by the Planning Commission.
- 905.3.13. The Planning Department will publish a notice in a newspaper of general circulation in the county a minimum of fourteen (14) calendar days prior to the BOCC public hearing. The applicant will be notified of the public hearing date, time, and place.
- 905.3.14. Based upon the submittal documentation, site characteristics analysis, comments received, and the Planning Commission's recommendation, the Planning Department will prepare a staff recommendation/report and draft resolution for the BOCC public hearing.
- 905.3.15. During the public hearing, the BOCC shall evaluate the submittals, referral comments, staff report, Planning Commission recommendation, and public testimony, and shall approve, approve with conditions, or deny the application.
- 905.3.16. The Planning Department will notify the applicant of any modifications or requirements needed to finalize the Official Development Plan and other final documents prior to recording with the County Clerk and Recorder.
- 905.3.17. The Official Development Plan approved by the BOCC shall be the basis for the site plan and drawings that would be submitted with an application for a building permit.

### **906. GENERAL SUBMITTAL REQUIREMENTS**

- 906.1. Minimum Contents of Application. Both the Sketch Plan and Final Plan application shall be submitted in a form established by these Land Use Regulations and made available to the public. Both applications shall include, at a minimum, the following materials:
- 906.1.1. Applicant's Identity. The applicant's name, mailing address, telephone, email address and fax number. If the owner is to be represented by an agent, a letter signed by the owner granting power of attorney to the agent, or a completed landowner authorization form granting authorization to the agent, shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, mailing address, telephone, email address and fax number.
- 906.1.2. Legal Description. The legal description and street address, if such exists, of the parcel on which development is proposed to occur.
- 906.1.3. Disclosure of Ownership. A disclosure of ownership of the parcel on which the development is to occur, listing the names of all owners of the property, and all mortgages, judgments, liens, easements, contracts and agreements that run with the land. The disclosure of ownership shall be in the form of a current certificate from a title insurance company (title commitment), or ownership and encumbrance report. The title commitment or ownership and encumbrance report shall be dated within two (2) months prior to formal application submittal.
- 906.1.4. Vicinity Map. An eight and one-half inch by eleven inch (8 ½" x 11") vicinity map, locating the subject parcel within Clear Creek County. The map shall, at a minimum, have a scale bar and clearly identify the subject parcel(s) and the nearest public road.

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906.1.5. Written Description. A written description of the proposal and an explanation in written, graphic or model form of how the proposed development complies with the Regulations applicable to the application shall be prepared. The description shall include, but not be limited to the following:

1. Types of uses proposed
2. General hours of operation
3. Maximum number of potential employees
4. Why should the proposed development be considered?
5. How is the proposal consistent with the applicable Master Plan(s) for the area?
6. How is the proposed zoning more appropriate than existing zoning?
7. Have there been major changes of an economic, physical, or social nature in the area involved that were not anticipated when the existing zoning was implemented?
8. How is the proposal consistent with the purpose and intent of the Zoning Regulations?
9. Generally, how will the proposal impact the immediate community?
10. How is the proposal compatible with the immediate community?
11. Statement of projected County tax revenue based upon the previous year's County tax levy and a schedule of projected receipts of that revenue.
12. Proposed method of fire protection, including information demonstrating a legal, adequate water supply for fire fighting purposes

## **907.SKETCH PLAN SUBMITTAL REQUIREMENTS**

### **Services and Infrastructure**

- 907.1. Description of Proposed Method of Water Supply including proposed source and evidence of availability.
- 907.2. Description of Wastewater Treatment Method including proposed source and evidence of available capacity.
- 907.3. Access and Traffic Analysis
- 907.3.1 Analysis of existing access to the property(ies) from County, State, and/or Federal road systems
- 907.3.2 Analysis of traffic generation anticipated by the proposal
- 907.3.3 Analysis of impacts from increased traffic generation, including but not limited to, level or service, congestion, noise, dust, odors, and traffic hazards.
- 907.4. Availability of Public Services/Infrastructure
- 907.4.1 Verification letters of service from all applicable utility companies
- 907.4.2. Analysis of burden on the following services:
1. Fire District
  2. Ambulance and EMS
  3. Sheriff's Office
  4. Road and Bridge Department
  5. Office of Emergency Management
- 907.4.3. Analysis of Burden on Clear Creek School District RE-1

### **Environmental Impact**

- 907.5. A Site Characteristics Analysis Report identifying information on natural hazards; including geologic, wildfire, and flood hazards; wildlife, and wetlands.

### **Building and Site Design**

- 907.6. Scaled Conceptual Site Plan showing and/or explaining the following when applicable:
1. Location of proposed uses and buildings and densities of proposed uses and buildings

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2. Location of proposed open space/parks/trails
3. Location of public space (roads/sidewalks/trails)
4. Rough existing and proposed drainage patterns
5. Location of significant natural or man-made features, including major peaks, ridgelines, hillsides and viewsheds. This can be identified with appropriate contours
6. Vehicular circulation and off-street parking
7. Proposed schedule of development phasing
8. Location of wells/water supply and sewage treatment

907.7. Conceptual Architectural plans

### **908.FINAL PLAN SUBMITTAL REQUIREMENTS**

#### **Services and Infrastructure**

- 908.1. Proposed Method of Water Supply in the form of one or more of the following:
- 908.1.1. An 'ability to serve' letter from an applicable water district or provider
  - 908.1.2. A copy of a current valid well permit if supply is from an existing well
  - 908.1.3. Proposed water augmentation plan or proposed water supply plan. Information regarding existing water rights should include, but not be limited to: 1) evidence of ownership or right of acquisition of or use of existing and proposed water rights; 2) historical use and estimate yield of claimed water rights; and 3) amenability of existing rights to a change in use.
  - 908.1.4. If a new water treatment system or district, or extension, is proposed, a copy of the approved 1041 Permit or application for a 1041 Permit for approval shall be submitted.
  - 908.1.5. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with Development Standards.
- 908.2. Wastewater Treatment Method in the form of one or more of the following:
- 908.2.1. An 'ability to serve' letter from an applicable sanitation district or provider
  - 908.2.2. If an individual sewage disposal system (ISDS) is proposed, evidence prepared by a Colorado licensed professional engineer that the sewage treatment system and leach field will be in compliance with the County's ISDS Regulations
  - 908.2.3. If a new sewage treatment system or special district, or extension, is proposed, a copy of the approved 1041 Permit or application for a 1041 Permit for approval shall be submitted.
  - 908.2.4. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with the ISDS Regulations or applicable Development Standards.
- 908.3. Access and Traffic Analysis
- 908.3.1. Analysis of existing access to the property(ies) from County, State, and/or Federal road systems
  - 908.3.2. Analysis of traffic generation anticipated by the proposal
  - 908.3.3. Analysis of impacts from increased traffic generation, including but not limited to, level or service, congestion, noise, dust, odors, and traffic hazards.
  - 908.3.4. Demonstration of conformance with the *Clear Creek County Roadway Design and Construction Manual*
  - 908.3.5. The analysis shall also address measures taken to avoid or mitigate identified impacts, and/or ways to bring the proposal into conformance with the *Clear Creek County Roadway Design and Construction Manual*.
- 908.4. Availability of Public Services/Infrastructure
- 908.4.1. Verification letters of service from all applicable utility companies
  - 908.4.2. Analysis of burden on the following services:
    1. Fire District
    2. Ambulance and EMS

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## 3. Sheriff's Office

908.4.3. Analysis of Burden on Clear Creek School District RE-1

908.4.4. The Analyses shall also address measures taken to avoid or mitigate identified impacts in conformance with the Development Standards

### **Environmental Impact**

908.5 Analysis of Natural Hazards, including Geologic, Wildfire, and Flood Hazards

908.6 Analysis of Wildlife

908.7 Analysis of Wetlands

908.8 The Analyses shall address measures taken to avoid or mitigate identified impacts and shall be prepared in conformance with the provisions of the Development Standards

### **Building and Site Design**

908.9 Site Plan

The Site Plan shall include a full land survey plat in conformance with Article 16; General Surveyor Requirements, of the *Clear Creek County Subdivision Regulations*. A separate site plan may be prepared which contains the following additional elements:

1. Elevation contours at an interval of 5 to 10 feet for all disturbed areas
2. Proposed location of uses
3. Proposed densities of uses
4. Proposed densities and location of buildings
5. Location of proposed open space/parks/trails
6. Location of public space (roads/sidewalks/trails)
7. Site design should pay attention to, and incorporate natural assets of the property and surrounds, such as ridgelines/hillsides/viewsheds/etc.
8. Location of signs, parking, fencing, landscaping, and lighting
9. Vehicular circulation and off-street parking
10. Proposed schedule of development phasing
11. Location of wells/water supply and sewage treatment

908.10 Drainage and Stormwater Management Plan, prepared by a Colorado licensed professional engineer

908.11 Best Management Practices Plan

908.12 On previously-mined properties, an Environmental and Safety Assessment Report identifying potential mining hazards on the property and mitigation techniques that adequately mitigate such hazards.

908.13 Building Design Features, including color chips and photographs

908.14 Scaled Building Elevation drawings depicting north, south, east, and west views of all proposed buildings

### **909.STANDARDS FOR APPROVAL**

The following standards must be demonstrated in order for approval of the application to be given:

909.1 Uses Permitted

The application shall contain a mix of uses, or specific uses, not allowed in other zoning districts while providing a continuity of design and development through total integration of project planning.

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### 909.2 Area and Setback Standards

Minimum/maximum lot/unit area and setback requirements shall be specified for the overall site in the approved Official Development Plan (ODP) with regard to those limitations established on similar uses and with regard to accommodating surrounding uses, services/infrastructure, etc. Flexibility may be allowed in order to further the purpose and intent of the PD zoning district.

### 909.3 Minimum Acreage/Number of Units

Density/intensity, minimum/maximum acreage, and/or number of units shall be specified for the overall site in the approved Official Development Plan (ODP) with regard to those limitations established on similar uses and with regard to accommodating surrounding uses, public services/infrastructure, etc. Flexibility may be allowed in order to further the purpose and intent of the PD zoning district.

### 909.4 Services and Infrastructure

The application shall demonstrate that the proposal will be provided adequate facilities for water supply, wastewater treatment, access, and adequate services for fire protection, police protection, EMS, electrical, telephone, natural gas, public schools, road and bridge service, and/or other public services.

### 909.5 Environmental Impact

The application shall appropriately mitigate environmental impacts consistent with Section 10 (1002), Environmental Impact.

### 909.6 Building and Site Design

The application shall demonstrate that the proposal meets the requirements for building and site design as specified in Section 10 (1003), Building and Site Design. Flexibility may be allowed in order to further the purpose and intent of the PD zoning district.

### 909.7 Signs and Outdoor Advertising

Signs and outdoor advertising standards applicable to the PD zoning district shall be as specified in Section 10 (1004), Signs and Outdoor Advertising Devices. Flexibility may be allowed in order to further the purpose and intent of the PD zoning district if the applicant submits a comprehensive sign plan for the PD that is determined to be suitable for the PD and provides the minimum sign area necessary to direct users to and within the PD.

### 909.8 Off-Street Parking

Off-street parking and loading provided in the PD shall comply with the standards of Section 10 (1005), Off-Street Parking Requirements.

### 909.9 Fencing, Walls, and Landscaping

Fencing, Walls, and Landscaping provided in the PD shall comply with the standards of Section 10 (1006), Fencing, Walls, and Landscaping Standards. Variations from these standards may be authorized where the applicant demonstrates that the proposal provides sufficient buffering of uses from each other (both within the PD and between the PD and surrounding uses) to minimize noise, glare, and other adverse impacts, creates attractive streetscapes and parking areas, adequately mitigates wildlife impacts, and is consistent with the character of the area.

### 909.10 Animals

The keeping of animals in the PD shall comply with the standards of Section 10 (1007), Animals.

### 909.11 Other Performance Standards

No use shall be made of any land in the PD unless the use meets the other performance standards of Section 10 (1008), Other Performance Standards.

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909.12 Compatibility with Surrounding Land Uses. The development proposed for the PD shall be compatible with the character of surrounding land uses.

909.13 Consistency with Master Plan. The PD shall be in general conformity with the Clear Creek County Master Plan 2030, and any ancillary County-adopted specialty and community plan documents, or responds to a change of an economic, physical, or social nature that has occurred to the neighborhood.

### **910. REVISIONS AND MODIFICATIONS**

Action on changes to approved Official Development Plans shall be taken by the Board of County Commissioners. Revisions and Modifications shall comply with the provisions of this section. However, if the Planning Director determines changes to be minor in nature, they may be approved by the Planning Director. Changes shall be considered minor if they meet the following criteria:

- 910.1. Does not increase the amount of square footage, site disturbance, or unit count by more than 10% of the total approved in the original Official Development Plan.
- 910.2. Complies with zoning regulations including use regulations and development regulations and standards.
- 910.3. Does not change the location of uses, or the layout of streets, trails, or pathways except for minor adjustments within areas approved for development or within approved rights-of-way.
- 910.4. Does not include the addition of a drive-through in which the patron's automobile is accommodated from which the occupants may receive a service or in which products purchased from the establishment may be consumed.
- 910.5. Is not a detriment to public health, safety, and welfare.

### **911.PERFORMANCE GUARANTEE**

- 911.1. Before a Certificate of Occupancy is provided or final inspection is conducted, the decision-making body may, in its discretion, require the applicant to file a performance guarantee of financial security deemed adequate by and made payable to the County.
- 911.2. The purpose of this performance guarantee shall be to assure that the applicant shall faithfully perform all conditions as specified in the approval of the application.
- 911.3. Any requirement for a performance guarantee shall be specified in the written decision of the County in a resolution.

### **912.ANNUAL REVIEW**

The Board of County Commissioners may require the applicant to periodically submit a report via the Planning Director, detailing all past activities conducted by the applicant pursuant to the Development Review approval by the Board, including a satisfactory showing that the applicant/property owner has complied with all conditions of the Development Review approval and applicable regulations. The applicant/property owner need not inform the County of activities such as operational changes, which are not the subject of a Development Review approval.

The Planning Director shall review the report within thirty (30) days from the date of submittal thereof. If the Planning Director determines, based upon its review, that the applicant/property owner is likely to have violated the provisions of the Development Review or applicable regulations, the County may issue a notice of violation to the applicant/property owner.

Upon notice to the Planning Director of the fulfillment of all conditions of the approval of the Development Review, and the Planning Director's concurrence therein, the Planning Director may terminate any annual review requirements.