



City of Jefferson  
 Department of Planning & Protective Services  
 320 E. McCarty Street  
 Jefferson City, MO 65101  
 Phone: 573-634-6410  
[icplanning@jeffcitymo.org](mailto:icplanning@jeffcitymo.org)  
[www.jeffersoncitymo.gov](http://www.jeffersoncitymo.gov)

## APPLICATION FOR SPECIAL EXCEPTION – COMPACT OR CLUSTER HOUSING

The undersigned hereby petitions the Planning and Zoning Commission and City Council of the City of Jefferson, Missouri for the following Special Exception:

**Proposed Land Use** (include Reference Number from Land Use Matrix; site plan must be attached)

\_\_\_\_\_

**Compact Housing Development** (no subdivision of land is involved; site plan must be attached)

**Cluster Subdivision** (subdivision of land is involved; appropriate subdivision plat must be attached)

**Property Location/Address:** \_\_\_\_\_

**Property Legal Description:** \_\_\_\_\_

Is Attached  Is as follows: \_\_\_\_\_

\_\_\_\_\_

**Current Zoning District:** \_\_\_\_\_

**Does project involve a change in zoning district?**  No  Yes, proposed zoning \_\_\_\_\_

If yes, a separate rezoning application is required

The undersigned hereby state they are the owners of the real estate described above or in the attached exhibit who petition for the above described special exception use:

**ALL OWNERS OF REAL PROPERTY INCLUDED IN THIS APPLICATION MUST SIGN THE APPLICATION, AND ALL SIGNATURES MUST BE NOTARIZED. IF ADDITIONAL SIGNATURES ARE NEEDED, PLEASE ATTACH SEPARATE SHEETS.**

\_\_\_\_\_  
 Property Owner #1 Name (type or print)

\_\_\_\_\_  
 Property Owner Signature

\_\_\_\_\_  
 Property Owner #2 Name (type or print)

\_\_\_\_\_  
 Property Owner Signature

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public

Address of Property Owner #1: \_\_\_\_\_

Address of Property Owner #2: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Applicant Information (if different from property owner):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

**For City Use Only:** Application Filing Fee \$206 (Approved by City Council on May 28, 2013)  
 Payment Received: \_\_\_\_\_ Cash (Receipt # \_\_\_\_\_) \_\_\_\_\_ Check (Copy; check # \_\_\_\_\_)  
 Attachments: \_\_\_\_\_ Site plan \_\_\_\_\_ Subdivision Plat \_\_\_\_\_ Project Description Narrative  
 \_\_\_\_\_ Applicant Information Sheet \_\_\_\_\_ Location Map \_\_\_\_\_ Other documentation

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.



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<b>Project Information</b> (Please use additional sheets if necessary)			
Name of Project			
Location/Address			
Submitted by			
Applications Submitted (Check box and circle item)	<input type="checkbox"/> P&Z: Zoning Amend   Comp Plan Amend   Special Exception   PUD   Sub. Plat   Annexation		
	<input type="checkbox"/> BOA: CUP   Variance   Appeal		
	<input type="checkbox"/> Staff: Site Plan   Bldg Plans   Grading Plan   Change of Use   Temp Use		
<b>Consultant(s)</b> (List lead consultant and all others who are responsible for major project)			
Lead Consultant Name		Firm Name	
Address			
Telephone Number		Fax No.	
E-Mail			
Consultant Name		Firm Name	
Address			
Telephone Number		Fax No.	
E-Mail			
Consultant Name		Firm Name	
Address			
Telephone Number		Fax No.	
E-Mail			
<b>Property Owners/Applicants</b> (List owner; Mark "X" next to the name of the primary)			
Owner Name			
Address			
Telephone No.		Fax No.	
E-Mail			
Applicant Name			
Address			
Telephone No.		Fax No.	
E-Mail			

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Please attach a Project Description Narrative for Compact Housing Developments and Cluster Subdivisions which includes the following information:

1. Name of proposed subdivision or development
2. Project size and density, including total acreage number of dwelling units proposed and number of lots.
3. Proposed housing types
4. Proposed ownership; whether lots will be created for sale to individual owners, condominium, etc.
5. Phasing Plan, including number of final subdivision plats, and open space allocation plan.
6. Current zoning district and proposed zoning district changes, if applicable.
7. Open space calculation
8. Open space description including whether improvements are proposed and proposed linkages to greenways, pedestrian easements, public rights-of-way, existing parks; schools; etc.
9. Proposed ownership and maintenance of open space
10. Table of off-street parking requirements (See Section 35-58).
11. For compact housing developments and specific land uses, a site plan is required (Section 35-71B).
12. For cluster subdivisions, either a preliminary subdivision plat or final subdivision plat is required, as per Chapter 33, Subdivision Code.
13. Attach proposed covenants, restrictions, condominium or homeowners association agreements.

**Site Design and Improvement Standards  
for Cluster Subdivision and Compact Housing Provisions  
(Excerpted from Section 35-54)**

- A. Purpose and Intent.** Cluster Subdivisions and Compact Housing Developments may be authorized according to the provisions of this Section to preserve environmentally-sensitive areas, open space and agricultural lands. The intent of this Section is to authorize a developer to decrease lot sizes and leave the land saved by so doing as open space or conservation areas, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by the underlying zoning district.
- B. Applications.**
1. **Cluster Subdivision.** (Where subdivision of land is involved; processed concurrently with major or minor subdivision). Applications for cluster subdivision shall be simultaneously processed as a (i) Special Exception Use Permit under the Zoning Code in conformance with Section 35-73.D, and (ii) according to the requirements for major or minor subdivision, as appropriate. All such submissions shall be labeled Cluster Subdivision.
  2. **Compact Housing Development.** (Where subdivision of land is not involved). Applications for compact housing developments shall be processed as a Special Exception Use Permit in conformance with Section 35-73.D. All such submissions shall be labeled Compact Housing Development.
- C. Permitted Zoning Districts.** A developer may create a cluster subdivision or compact housing development in a standard residential zoning district which includes lots that are smaller and arranged differently than those required by the underlying zoning district regulations if the application conforms to this Section.
- D. Housing Types.** Housing types within a cluster subdivision or compact housing development shall be as authorized by the underlying zoning district, shown in Exhibit 35-28, Land Use Matrix; and subject to Exhibit 35-54A and the additional standards of this Section.
- E. Project Size and Density.** There is no minimum or maximum acreage limitation for a cluster subdivision. The maximum allowable residential density shall not exceed the maximum density allowed in the underlying zoning district. Maximum allowable residential density shall be calculated by using Exhibit 35-51A, Units/Acre
- F. Lot Dimension and Setback Requirements.**
1. There are no prescribed minimum lot dimensions. Lot widths and depths shall be sufficient to accommodate the use and minimum building setbacks required for the housing type.
  2. Zero lot line development may transfer all or part of the side setback to one side; such that one side may be zero if the opposite side setback is 20 feet. No mechanical equipment, roof overhang, or object attached to or associated with the dwelling unit may overhang the lot line.
  3. No side setback is required on the interior or attached side of an attached dwelling.
  4. For buildings containing more than one dwelling unit, the front, side and rear yard setbacks listed in Exhibit 35-54A shall be measured from the perimeter of the building.
  5. A minimum of 20 feet must be provided between multiple family buildings on the same parcel or lot.
  6. The preliminary and final subdivision plats shall indicate all setback lines for all proposed buildings and upon all proposed lots, including designation of all zero lot lines.

**Exhibit 35-54A: Lot and Setback Standards for Cluster Subdivision Developments<sup>1</sup>**

Housing Type	Minimum Building Setback (Feet)		
	Front <sup>2</sup>	Side	Rear
Single Family Detached	20	10	20
Zero Lot Line Single Family Detached <sup>3</sup>	20	0/10	20
Single Family Attached <sup>4</sup>	20	0/10	20
Duplex	20	10	20
Multiple-family <sup>5</sup>	20	10	20
Townhouse	10	10	20

Notes: <sup>1</sup> See the underlying zoning district regulations for maximum density allowed.

<sup>2</sup> See Section 35-51.B.5 for garage setback requirements.

<sup>3</sup> Reflects transfer of all of the required side setback to one side;

<sup>4</sup> Reflects the 0' setback on attached side of an attached dwelling; 10' setback on the opposite side.

<sup>5</sup> See Section 35-54.F for setbacks required between multiple family buildings on the same parcel.

**G. Required Open Space, How Calculated.** The amount of open space or conservation area which must be set aside shall be determined as follows:

**1. Cluster Subdivisions.**

The amount of open space or conservation area which must be set aside in cluster subdivisions shall be based on the difference between the total area contained within all cluster lots and the total area which would have been contained within an equivalent number of standard lots based on the minimum lot requirements of Exhibit 35-51A according to the zoning district in which the project is located. All lot reductions shall be compensated for by an equivalent amount of land in open space or common area to preserve and maintain in accordance with the provisions of this Section.

**2. Compact Housing Development.**

All land within a compact housing development not covered by buildings, parking lots or streets shall be reserved as common land and open space.

**H. Open Space Standards.**

**1. Ownership and Maintenance of Open Space.**

a. The developer shall provide for the ownership and continued maintenance of all open space created under one or more of the methods stated below. City approval of the form of dedication or conveyance shall be required:

- (1) offer to dedicate land to the public;
- (2) convey open space to be held in common; or
- (3) where agricultural land is to be preserved, create an agricultural easement over that portion of the property to be protected.

b. Open space which is to be held in common shall be owned and maintained by an organization established by the applicant and approved by the City. The applicant shall submit covenants and restrictions regarding permanent maintenance of the open space, including provisions addressing:

- (1) maintenance duties of the organization;
- (2) the manner in which lot owners will be assessed by the organization;
- (3) conditions of default; and
- (4) the manner of enforcement by the City.

c. Open space which is to be dedicated for public use shall be located to provide access to or provide protection of adjacent public lands.

**2. Open Space Allocation.** Open space shall be provided for each phase of a development. If common open space will not be provided proportionally by phase, the applicant shall execute a reservation of common open space by grant of an easement or covenant in favor of the City, authorizing the City to dedicate all or a portion of such reserved area to common open space in the event that the development is not completed.

**3. Open Space Design and Improvements.**

a. Open space areas shall be linked to existing and planned public open space and greenways wherever possible.

b. Open space areas shall be arranged to maximize access and use by residents of the cluster

development.

- c. Where open space improvements are provided, a safe, secure and barrier-free system of trails, paths, walkways and bikeways shall be designed. Walkways and bikeways may link with recreation areas, schools, commercial areas and public facilities.
- d. Improvements may include paved pedestrian paths located in public rights-of-way, pedestrian easements, paved bikeways, or other agreed-upon improvements.

**I. Project Landscaping and Compatibility Requirements.**

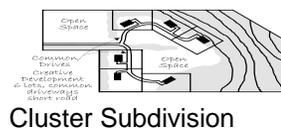
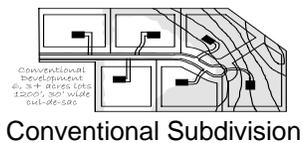
- 1. **Development Buffer.** The perimeter of a cluster subdivision or compact housing development shall be buffered from adjacent residential property with a Type A Bufferyard. Project landscaping design shall be established in conjunction with the preliminary plat approval.
- 2. **Design and Installation.**
  - a. A project landscape, open space and screening plan shall be prepared and shall include the following information:
    - (1) Location of all plant materials including a key that indicates type and size referenced to a landscape schedule.
    - (2) Landscape schedule showing species, size, color, and quantity of landscape materials shown on plan.
    - (3) General information about planting, erosion control, scheduling of installation and irrigation.
    - (4) Location of berms or screening walls.
  - b. The applicant will be required to establish a permanent ground cover in the landscape area to stabilize the soil to prevent erosion.
  - c. Berms or screening walls where proposed or required shall be as approved by the City and completed prior to the issuance of any residential building permits within the project. Material colors for screening walls shall be limited to earthtone colors. The color shall be uniform for the entire length of the wall.
  - d. All landscaping plants shall be maintained in sound, healthy, and vigorous living condition.

**J. Off-Street Parking.**

Off-street parking shall be provided in accordance with Section 35-58.

- K. Phasing.** An applicant may propose that a cluster subdivision or compact housing development project be developed in phases, or the City may require the applicant to divide the project into phases in order to meet requirements and standards contained in these regulations. Each phase must be self sufficient, meeting the requirements, standards and conditions applicable to that portion of the project, including open space provisions. Each phase of the project shall be supported by adequate public facilities.

**Exhibit 35-54B: Conventional subdivision and Cluster subdivision compared with same acreage**



**Instructions for Filing SPECIAL EXCEPTION USE Applications  
Section 35-74C Jefferson City Zoning Code**

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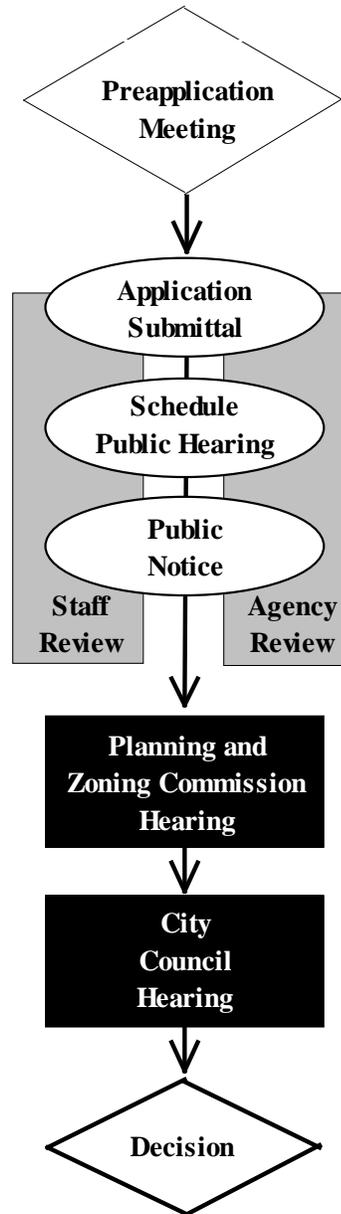
**1. Purpose.** Special exception uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration, and require the imposition of conditions to ensure the appropriateness of the use at a particular location.

- 2. Applicability.**
- a. The designation of a use in a zoning district as a special exception use does not constitute an authorization or assurance that such use will be approved.
  - b. Approval of a Special Exception Use Permit shall be deemed to authorize only the particular use for which the permit is issued.
  - c. No use authorized by a Special Exception Use Permit shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new Special Exception Use Permit in accordance with the procedures set forth in this Section.
  - d. Development of a special exception use shall not be carried out until the applicant has secured all the permits and approvals required by this Section or by county, state or federal agencies.

**3. Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in this Section and Section 35-70.

- 4. Review Criteria.** No special exception use may be approved or established unless the Planning and Zoning Commission shall find that the use:
- a. is consistent with the purpose and intent of the Zoning Ordinance; and
  - b. is consistent with the Comprehensive Plan; and
  - c. shall not substantially and permanently injure the appropriate use of neighboring property; and
  - d. shall serve the public convenience and welfare; and
  - e. shall not over burden the municipal services; and
  - f. shall not cause traffic, parking, population density or environmental problems; and
  - g. shall not adversely affect the health, safety and welfare of the community.

- 5. Conditions that May Be Imposed on the Special Exception Use.** Conditions may be imposed on a special exception use. Generally, the conditions applied include the following.
- a. The operation of the use may be limited;
  - b. Performance standards may be imposed to ensure that the potential incompatibilities created by the special exception use are mitigated; and
  - c. The site design and layout may be adjusted to mitigate potential negative impacts on the neighboring properties.



6. **Decision-maker.** The Planning and Zoning Commission shall review the request at a public hearing in conformance with Section 35-70 and make a recommendation to the Council. The Council shall review the request at a public hearing and may approve, modify or deny approval of the application. The minutes of the hearing shall reflect the findings of fact based on the review criteria, demonstrating the reason for the Council=s decision.
  
7. **Revocation of a Special Exception Use Permit.** Any permit granted under the authority of this Section is subject to revocation in accordance with Section 35-70.P for any or all of the following reasons:
  - a. Non-compliance with any conditions imposed on the special exception use;
  - b. Violation of any provisions of this Section and the Zoning Ordinance pertaining to the use of land, the construction or use of buildings or structures or activities conducted on the premises by the applicant or his tenants; and
  - c. Violation of any other adopted Ordinances, regulations, resolutions or ordinances of the city, county, state or federal law agencies by the applicant or his tenants, provided that such violations relate to the conduct or activity authorized by the Special Exception Use Permit or the qualifications of the applicant or his tenants to engage in such conduct or activity.