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# ARAPAHOE COUNTY, COLORADO Land Development Code

August 15, 2019



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## Chapter 1: General Provisions

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### 1-1 TITLE

- A. The Land Development Code includes and incorporates the Arapahoe County Zoning and Subdivision Regulations duly adopted by the Arapahoe County Board of County Commissioners.
- B. This Code, as amended from time to time, shall be known as "The Arapahoe County Land Development Code". For the purpose of brevity, it shall hereinafter be referred to as "these Regulations", "this Code", or "this LDC".

### 1-2 AUTHORITY

This Code is adopted pursuant to the powers and authority conferred by the laws of the State of Colorado, including, but not limited to, the following sections of the Colorado Revised Statutes (C.R.S.): Article 28 of Title 30 (County Planning, Zoning, Subdivision); Article 65.1 of Title 24 (Areas of State Interest); Article 67 of Title 24 (Planned Unit Development); Article 20 of Title 29 (Local Government Land Use Control Enabling Act and Development Impact Fees); Article 1, Part 8 of Title 29 (Administration of Land Development Charges); Applicable provisions of Article 11 of Title 30 (County Powers and Functions); Article 68 of Title 24 (Vested Rights); and all other powers authorized by the Constitution of the State of Colorado, state statutes, or by common law including those for the regulation of land uses, land use planning and development, subdivision, environmental protection, police powers, and the power to abate nuisances.

### 1-3 GENERAL PURPOSE

This Code is designed, intended and shall be administered to promote the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of Arapahoe County, Colorado, by:

- A. Implementing the Comprehensive Plan and adopted Sub-Area Plans;
- B. Lessening of congestion on the streets and roads by implementing the County's Transportation Plan;
- C. Providing adequate light, air, parks and other spaces for public use;
- D. Classifying land uses and the distribution of land development and utilization;
- E. Protecting the tax base;
- F. Securing economy in governmental expenditures;
- G. Fostering the State's agricultural and other industries;
- H. Promoting planned and orderly development within the County;
- I. Promoting conservation of important natural and man-made resources, such as streams, wetlands and archaeological sites, and minimizing damage due to development;
- J. Preserving the character of established residential areas and residential neighborhoods;
- K. Establishing adequate and accurate records of land subdivision;
- L. Providing for the harmonious development of land in the existing community and facilitating the future development of appropriate adjoining tracts;
- M. Providing for adequate, safe, and efficient public utilities and improvements; and to providing for other general community facilities and public places;



- N. Providing for protection from fire, flood, and other dangers; and providing for proper design of storm water drainage facilities and streets; and
- O. Providing that the cost of improvements that primarily benefit the tract of land being developed be borne by the owners/developers of the tract, and the costs of improvements that primarily benefit the whole community be borne by the whole community.

#### **1-4 APPLICABILITY AND JURISDICTION**

- A. This Land Development Code shall apply to the development and use of all land, buildings, and structures throughout the unincorporated areas of Arapahoe County, including development on parcels of land 35 acres and greater in size. To the extent allowed by law, the provisions of this Code are applicable not only to private persons, agencies, corporations, and organizations, but also to all public agencies and organizations including all lands, buildings, facilities, or uses owned or operated by Arapahoe County.
- B. Building Permit Required: It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or structure, including surface and subsurface structures, or to move a structure from one property to another within the unincorporated area of Arapahoe County without first obtaining a building permit from Arapahoe County. The plans submitted with the building permit application for the proposed erection, construction, reconstruction, alteration, or use shall conform to all applicable provisions of these Regulations and shall be constructed in accordance with the Arapahoe County Building Code as adopted.

#### **1-5 RELATIONSHIP TO ZONING MAP AND OTHER REGULATIONS**

Arapahoe County uses the following maps and documents as general sources of information to provide initial guidelines for siting development, and for alerting the County, the applicant, and the public about the physical characteristics of a parcel and the area in which it is located. Site-specific studies may be required of individual parcels to more definitively determine individual characteristics, and how they may affect a development proposal. In addition, the County also uses other agencies as a resource during the review process. Publications and maps from these agencies also serve as a reference during the review process.

##### **1-5.1. Arapahoe County Comprehensive Plan**

The currently adopted Arapahoe County Comprehensive Plan, as amended, including without limitation, the Future Land Use Map and Sub-Area Plans and Maps and other plans and documents adopted by reference, including but not limited to the following:

- A. Multi-Hazard Mitigation Plan;
- B. Bicycle Pedestrian Master Plan;
- C. Open Space Master Plan;
- D. Four Square Mile Subarea Plan;
- E. Lowry Range Subarea Plan;
- F. Strasburg Subarea Plan; and
- G. Byers Subarea Plan.

##### **1-5.2. Arapahoe County Zoning Map**

The location and boundaries of the zoning and overlay districts hereby established are shown on the Arapahoe County Zoning Map. The official zoning map is incorporated into this Code by

**Chapter 1: General Provisions**

**1-5: Relationship to Zoning Map and Other Regulations**

reference and referred to as the “zoning map” in this Code. The zoning map shall be kept on file in the office of the Department of Public Works and Development and is available for public inspection during normal business hours. The map shall be the final authority as to the current zoning status of lands, water areas, buildings, and other structures in the jurisdiction; rules of interpretation are provided in Section 1-5.5.

**1-5.3. Natural Hazards and Features Maps**

- A. The Arapahoe County, Colorado, and Incorporated Areas Flood Insurance Study and Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency with an effective date of September 4, 2020;
- B. U.S.G.S. maps;
- C. U.S. Army Corps of Engineers Wetlands Delineation Manual;
- D. Sand, Gravel and Aggregate Map;
- E. Lignite Coal Deposit Map.

**1-5.4. Other Plans, Manuals, Standards, Reports and Maps**

The most recently adopted version of the following manuals, standards, reports, and maps contain the minimum design and technical standards required for construction of infrastructure and roadways within the unincorporated areas of Arapahoe County:

- A. Arapahoe County Stormwater Manual;
- B. Arapahoe County Grading, Erosion and Sediment Control Manual;
- C. Arapahoe County Infrastructure Design and Construction Standards;
- D. Arapahoe County Transportation Plan and Technical Report;
- E. Arapahoe County Guidelines for Traffic Impact Studies;
- F. Arapahoe County Street Naming Policy;
- G. Arapahoe County Streetscape Guidelines;
- H. Urban Drainage and Flood Control District Urban Storm Drainage Criteria Manual (Volumes I, II, and III);
- I. Arapahoe County Administrative Manual;
- J. Federal Highway Administration Manual on Uniform Traffic Control Devices; and
- K. Rural Engineering Standards.

**1-5.5. Development Application Manual**

The Development Application Manual has been adopted by the Board of County Commissioners as a supplemental manual to this Land Development Code. It contains the required plans, exhibits, reports, and documents to be submitted for the various land development applications described in Chapter 5 of this Code, as well as standards for plans to be submitted. The Development Application Manual is incorporated into and made a part of this Land Development Code and may be amended and revised from time to time by the Board of County Commissioners, following recommendation of the PWD Director or Planning Commission.

**1-5.6. Interpretation of Zone District Boundaries**

In the case of any dispute regarding the zoning classification of property subject to this Code, the official zoning map contained in the Department of Public Works and Development (PWD) shall control. Where

uncertainty exists with respect to the boundaries of the zoning districts shown on the official zoning map, the Planning Division Manager shall use the rules set forth below to interpret the map.

- A. Where the zoning map shows a zoning district boundary line located within or following a street or alley right-of-way, railroad or utility line right-of-way, easement, or waterway, the district boundary shall be considered to be in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement, or waterway, as indicated in a recorded legal description of such, varies slightly from the location shown on the zoning map, then the actual location shall control.
- B. Where the zoning map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.
- C. Where the zoning map shows a district boundary to coincide with a property line or municipal border, the legal property line or municipal border shall be considered to be the district boundary, unless otherwise indicated on the map.
- D. Where the zoning map shows a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the original, final, approved plans.
- E. Where the zoning map shows a district boundary dividing a lot, each part of the lot shall be used in conformity with the standards established by this Code for the zoning district in which that part is located.
- F. Where the case record conflicts with the zoning map, the case record shall control.

## 1-6 REGULATIONS AND CONFLICTING PROVISIONS

### 1-6.1. Conflict with County or State Regulations

To the extent there is a conflict between this Code or any other law, ordinance, resolution, rule or regulation of any kind, or with any term or condition of an approved development plan, the more restrictive requirements, as determined by the Planning Division Manager or his/her designee, shall apply to such application, except to the extent limited by vested property rights then in effect.

### 1-6.2. Conflict with Private Agreements

It is not the intent of this Code to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Code impose a greater restriction than imposed by a private agreement, the provisions of this Code will control. If the provisions of a private agreement impose a greater restriction than this Code, the County shall not be responsible for monitoring or enforcing private agreements.

## 1-7 TRANSITIONAL PROVISIONS

This section addresses the application of this Land Development Code on its effective date (August 15, 2019) to development and land uses with valid and outstanding permits or approvals granted under the prior land development code, to development land uses with pending applications for County approval, to existing nonconformities, and to properties subject to enforcement action under the prior code.

### 1-7.1. Applicability to Projects with Final Approval

Except to the extent stated in this Code or any amendment hereto, this Code is not intended to prevail over any previous approval issued prior to August 15, 2019. Any building, structure or development for which a permit was issued prior to August 15, 2019 may, at the applicant's option, be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure or development does not fully comply with the provisions of this Land Development Code.

#### A. AMENDMENTS TO PRE-EXISTING PLANNED UNIT DEVELOPMENTS

Notwithstanding the transition rule stated above, in the case of Planned Unit Developments (PUDs) approved before April 1, 2017, amendments to approved Preliminary Development Plans (PDPs), Final Development Plans (FDPs), Master Development Plans (MDPs), and Administrative Site Plans (ASPs) shall be processed as described in Section 5-3.3.B.2 (Transition from Prior PUD Approvals).

#### B. TIME LIMIT FOR COMPLETION OF A PREVIOUSLY APPROVED PROJECT

If construction is not commenced or completed according to the applicable permit terms, the Planning Division Manager may, for good cause shown, grant an extension of up to one year for such construction under the terms of the previous Land Development Code. The Board of County Commissioners may, for good cause shown, grant an additional extension for such construction. If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure or development may be constructed, completed or occupied only in compliance with this Land Development Code.

#### C. HEALTH OR SAFETY PROTECTIONS EXEMPTED

In cases where generally applicable standards necessary for the immediate preservation of the public health or safety have been added to this Code, no project shall be allowed to proceed under the prior approval in order to specifically avoid such protections, except where application would create a conflict with an existing vested right as identified in C.R.S. § 24-68-104.

#### D. REQUIRED COMPLIANCE WITH GENERALLY APPLICABLE BUILDING CODES

All projects must comply with all regulations and codes that are general in nature and are applicable to all property subject to the jurisdiction of Arapahoe County, including the International Building Code, as adopted and amended by Arapahoe County; regulations, standards, and specifications adopted by the County to govern wastewater disposal, road and bridge construction; and each applicable fire, plumbing, electrical, and mechanical code, in effect on the date a permit is applied for pursuant to each of those codes.

### 1-7.2. Applicability to Pending Applications

An application certified as complete and submitted for a preliminary subdivision plat, site plan, special exception, use by special exception, building permit, or any other type of land use or development approval prior to August 15, 2019, but where the County has not taken final action on such application within 12 months following August 15, 2019, shall be subject to compliance with the standards and procedures of this Land Development Code.

### 1-7.3. Nonconformities

Any legal nonconformity under the previous Arapahoe County Land Development Code will also be a legal nonconformity under this Code, so long as the situation that resulted in the legal nonconforming status under the previous land development code continues to exist. If a legal nonconformity under the previous land development code becomes conforming because of the adoption of this Land Development Code, then the situation will no longer be considered nonconforming. Nonconformities will generally be permitted to continue under the provisions of this Code.

### 1-7.4. Outstanding Violations

The adoption of this Code shall not affect or prevent the prosecution or punishment of any person for the violation of any prior version of this Code, or for any offense committed prior to adoption of this Code, unless the use, development, construction, or other activity complies with the provisions of this Code.

## 1-8 INTERPRETATION OF THIS CODE

### 1-8.1. Rules of Construction and Word Usage

#### A. MEANINGS AND INTENT

All provisions, terms, phrases and expressions contained in this Land Development Code shall be construed according to the general purposes set out in Section 1-3.

#### B. MINIMUM REQUIREMENTS

The requirements of this Land Development Code shall be regarded as the minimum requirements necessary for the protection of the public health, safety, and general welfare, and for the protection of the natural environment.

#### C. HEADINGS, GRAPHICS AND TEXT

1. In case of any difference of meaning or implication between the text of this Land Development Code and any heading, drawing, table, figure or graphic, the text shall control.
2. Graphics may include photographs or drawings and are intended to be illustrative of the text, indicating suggested design solutions that would be appropriate or inappropriate, and are not regulatory.
3. Graphics do not preclude other methods for achieving compliance with this LDC, subject to approval by the County.

#### D. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

#### E. COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County. References to days are calendar days unless otherwise stated.

**F. REFERENCES TO OTHER REGULATIONS, PUBLICATIONS AND DOCUMENTS**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recently adopted edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

**G. DELEGATION OF AUTHORITY**

Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

**H. TECHNICAL AND NONTECHNICAL TERMS**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**I. PUBLIC OFFICIALS AND AGENCIES**

All public officials, bodies, and agencies to which references are made are those of Arapahoe County, unless otherwise indicated.

**J. MANDATORY AND DISCRETIONARY TERMS – STANDARDS AND GUIDELINES**

**1. Standards**

Standards mandate the specific course of planning and design action that the applicant must incorporate in its project application. Compliance with standards is mandatory. Statements of standards are indicated by use of the words “shall,” “will,” and/or “must” in the rule or directive. A failure to meet a mandatory standard may be used as a basis for the County’s denial of a project application.

**2. Guidelines**

Guidelines may follow the standards and are indicated by the words “may” or “should.” Guidelines provide additional direction as to appropriate or inappropriate means to comply with the standards. Guidelines are voluntary and not mandatory; however, compliance is strongly encouraged to fulfill the intent of the section. A failure to meet a guideline cannot be used by the County as a basis for denial of a project application.

**K. CONJUNCTIONS**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

**L. TENSES AND PLURALS**

Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

**M. GENDER**

A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

**N. DETERMINATION OF UNLISTED USES**

1. Exclusion of Uses: Uses not specifically listed or reasonably similar to those uses listed in any particular zone district shall be deemed excluded from the particular zone district. Uses listed in a particular zone district shall be deemed to be excluded from any other zone district, unless such use is specifically listed in the other zone district.
2. Inclusion of a Use Not Listed: Uses not listed may be interpreted for inclusion in a specific zone district by the Zoning Administrator pursuant to Chapter 2 when such use is reasonably similar to those uses listed and is not contrary to the intent of the particular zone district.

**O. TRASH, JUNK, AND INOPERABLE VEHICLES**

No land shall be used as an outdoor storage area for the purpose of collecting, dismantling, storing, or selling of junk, trash, rubbish, refuse of any kind, remnants of wood, metal, or plastic, discarded materials, inoperative vehicles or dismantled machinery, whether or not the same could be put to any reasonable use, unless allowed in the underlying zone district or approved in a PUD which specifically authorizes such use.

**1-8.2. Correction of Obvious Errors**

Nothing in this Code shall be construed as a limitation upon the power of the Director of Public Works to correct obvious typographical or compositional errors, provided:

- A. Such corrections shall not change the legal effect of this Code or any part thereof.
- B. Such corrections will be reported to the Planning Commission and the Board of County Commissioners.
- C. Erratum supplement shall be attached to all copies of this Code distributed subsequent to the making of such corrections.

**1-9 EFFECTIVE DATE**

Provisions of the Land Development Code heretofore adopted by the Arapahoe County Board of County Commissioners are hereby rescinded and superseded by this Code which shall be effective on August 15, 2019.

**1-10 SEVERABILITY**

If any part, subpart, section, paragraph, sentence, clause or phrase of this Code is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Code.

## Chapter 2: Zoning Districts

### 2-1 DISTRICTS ESTABLISHED

- A. The unincorporated area of Arapahoe County is hereby divided into zoning districts as listed in Section 2-2, Table 2-2.1, Zoning District Summary Table. Except for the A-E, A-1, RR-A and FLP-O Zoning Districts, any other District listed in Table 2-2.1 may have a PUD designation associated with it. If such is the case, the land shall be developed according to the provisions of the approved PUD Plan(s).
- B. This Chapter of the Land Development Code establishes purpose for each of these districts. The permitted uses for each zoning district are listed in Chapter 3, Permitted Uses, in Table 3-2.1, Permitted Use Table, and generally relate back to the stated purpose for each zoning district. The regulations governing how to develop in each zoning district are contained in Chapter 4, Development Guidelines and Standards and Chapter 5, Procedures.
- C. Obsolete Zone Districts: As of January 1, 1987 and due to Zoning Regulations effective on that date, the following zoning districts were designated to be obsolete: R-3S, R-5, R-2, R-P, R-3, and R-4. Parcels of land with an obsolete zone district designation as of April 1, 2017 shall be permitted to be developed in accordance with the regulations of that zoning district or in accordance with an existing approved PUD Plan for that parcel. Obsolete zone district regulations and approved PUD plans are available from the Planning Division.

### 2-2 SUMMARY TABLE OF ZONING DISTRICTS

TABLE 2-2.1 ZONING DISTRICT SUMMARY TABLE	
CURRENT ZONING DISTRICT	NEW ZONING DISTRICT
<b>Agricultural and Residential Districts</b>	
A-E, Agricultural Estate	No change
A-1, Agricultural-1	No change
A-2, Agricultural-2	RR-A, Rural Residential A
R-A, Residential Agricultural	RR-B, Rural Residential B
R-E, Residential Estate	RR-C, Rural Residential C
R-1, Residential One Acre	R-1-A
n/a	R-1-B
	R-1-C
	R-1-D
	R-2-A
	R-2-B
R-PSF, Residential PUD – Single-Family	Merged into a new single PUD zone district, but still subject to approved development plans
R-PM, Residential PUD – Moderate Density	
R-PH, Residential PUD – High Density	
SH, Senior Housing	
R-M, Manufactured/Mobile Home	No change
<b>Non-Residential Districts</b>	
B-1, Administrative and Professional Offices	No change
B-3, Neighborhood and Community Business	
B-4, Specialty Commercial	
B-5, Regional Commercial	
MU, Mixed Use	Merged into a new single PUD zone district, but still subject to approved development plans



TABLE 2-2.1 ZONING DISTRICT SUMMARY TABLE	
CURRENT ZONING DISTRICT	NEW ZONING DISTRICT
I-1, Light Industrial	No change
I-2, Heavy Industrial	
O, Open	No change
C, Cultural	Merged into a new single PUD zone district, but still subject to approved development plans
F, Floodplain	No change
	PUD, Planned Unit Development
<b>Overlay Districts</b>	
AIA, Airport Influence Area	Renamed AIA-O, Airport Influence Area Overlay
CAE, Centennial Airport Environs Planning Area	Renamed CAE-O, Centennial Airport Environs Overlay
SB/C, Strasburg Business/Commercial	Renamed SBC-O, Strasburg Business Commercial Overlay
	MRG-O, Mineral Resources and Geologic Hazard Areas (based on current Areas and Activities of Special Interest)

## 2-3 Agricultural and Residential Districts

This section sets forth the intent and purpose for each agricultural and residential zone district for the unincorporated portions of Arapahoe County as listed in Table 2-2.1 above. Also indicated is the district’s role in implementing the Comprehensive Plan’s future land use policies and, as applicable, location criteria that the County must consider in mapping such district to specific property. Specific dimensional standards are contained in Table 4-1.1, Agricultural and Residential District Dimensional Standards, in Chapter 4. Development and design standards and requirements applicable to development in all zone districts are also found in Chapter 4, Development Guidelines and Standards.

### 2-3.1. General Purposes for Agricultural Residential Zone Districts

#### A. AGRICULTURAL ZONE DISTRICTS

Among the County’s primary land-use goals, as stated in the Comprehensive Plan, are goals to maintain its rural heritage and character, conserve natural areas and environmental quality, and ensure efficient and improved public services and facilities. The A-E and A-1 agricultural zone districts in this section are intended to implement these goals by promoting and preserving a rural, agricultural economic base and lifestyle in the eastern parts of unincorporated Arapahoe County. Residential uses are secondary in these districts, and are developed at very low densities or clustered to protect and conserve existing open and agricultural lands and to preserve a rural character. These zone districts are intended to apply only within the Rural Area as designated in the Comprehensive Plan, and are not appropriate for properties located in a Designated Growth Area. The A-E and A-1 agricultural zone districts are encouraged in the Rural Area of unincorporated Arapahoe County.

#### B. RURAL RESIDENTIAL ZONE DISTRICTS

Among the County’s primary land-use goals, as stated in the Comprehensive Plan, are goals to maintain its rural heritage and character, conserve natural areas and environmental quality, and ensure efficient and improved public services and facilities. The RR-A, RR-B, and RR-C zone districts in this section are intended to implement these goals by promoting options for low-density Rural Residential development and small-scale agricultural activities while preserving a

## 2-3: Agricultural and Residential Districts

rural, agricultural economic base and lifestyle in the eastern parts of unincorporated Arapahoe County.

These districts also provide transitional zoning between the Urban Area and the Agricultural zone districts (A-E & A-1) as well as a transition between the rural town centers and Agricultural zone districts. Residential uses are primary in these districts, but such uses are developed at very low densities to protect and conserve existing open and agricultural lands and to preserve a rural character. While these zone districts are intended to apply only within the transitional areas, they may also be found in the existing urbanized areas within unincorporated Arapahoe County.

**C. RESIDENTIAL ZONE DISTRICTS**

These districts are intended to accommodate residential development in a variety of densities consistent with the Arapahoe County comprehensive plan, with minimum lot sizes ranging from 40,000 square feet to 3,600 square feet. The primary permitted uses are single-family, two-family, townhouse, and multifamily dwelling, but public, civic, and small scale institutional and support uses are also permitted in some districts. Smaller lots are subject to spacing and contiguous acreage limits in order to avoid large concentrations of small lots in any one area.

**2-3.2. A-E, Agricultural Estate****A. SPECIFIC PURPOSE**

1. All development in the district must respect and respond to the district's unique agricultural and rural character, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural environment and sensitive development areas, including impacts on the Rural Area's important riparian corridors that perform important drainage, habitat, and recreational functions.
2. All development must have no detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

**B. RELATION TO THE COMPREHENSIVE PLAN**

The A-E Zone District is intended to correspond to and implement the "Rural Area Uses" and "Agricultural" land use categories designated in the Land Use Plan element of the Comprehensive Plan.

**C. LOCATION AND OTHER REZONING CRITERIA**

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the A-E Zone District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located in the Rural Area and outside of Designated Growth Areas as designated in the Comprehensive Plan;
2. The district is proposed to accommodate and respect variations in the site's topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site; and
3. Any residential development proposed within the district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable "right to farm" provisions in state statutes.

**D. RURAL CLUSTER OPTION IN THE A-E ZONE DISTRICT**

A landowner in the A-E Zone District may be eligible for exceptions to the lot size, lot dimension, and use provisions stated in this chapter and this Land Development Code by choosing the Rural Cluster Option set forth in this Land Development Code.

### 2-3.3. A-1, Agricultural – One

#### A. SPECIFIC PURPOSE

1. The A-1 Zone District is intended to provide and preserve land for agricultural and rural economic uses in the Rural Area of unincorporated Arapahoe County as designated in the Comprehensive Plan. The primary uses allowed in this district are agricultural and open land uses, agriculture-dependent or agriculture-related uses, and other uses supportive of a rural, agriculture-based economy.
2. All development in the district must respect and respond to the district's unique agricultural and rural character, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural environment and sensitive development areas, including impacts on the Rural Area's important riparian corridors that perform important drainage, habitat, and recreational functions.
3. All development must have no detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

#### B. RELATION TO THE COMPREHENSIVE PLAN

The A-1 Zone District is intended to correspond to and implement the "Rural Area Uses" and "Agricultural" land use categories designated in the Land Use Plan element of the Comprehensive Plan.

#### C. LOCATION CRITERIA AND OTHER REZONING CRITERIA

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the A-1 District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located in the Rural Area, and outside Designated Growth Areas for the Eastern Communities as designated in the Comprehensive Plan;
2. The district is proposed to accommodate and respect variations in the site's topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site;
3. Any residential development proposed within the district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable "right to farm" provisions in state statutes.

#### D. RURAL CLUSTER OPTION IN THE A-1 ZONE DISTRICT

A landowner in the A-1 Zone District may be eligible for exceptions to the lot size, lot dimension, and use provisions stated in this chapter and this Land Development Code by choosing the Rural Cluster Option set forth in this Land Development Code.

### 2-3.4. RR-A, Rural Residential A

#### A. SPECIFIC PURPOSE

1. The RR-A Zone District is intended to provide and preserve land for large-lot residential development and limited agricultural purposes in unincorporated Arapahoe County. The principal uses allowed in this district are residential large-lot development, open land uses, limited agriculture-related uses, and other uses supportive of a rural residential area. The intent is to provide very-low-density, single-family detached residential development with limited, small-scale agricultural uses.
2. All development in the district must respect and respond to the district's unique large lot residential character and limited agricultural uses, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural

## 2-3: Agricultural and Residential Districts

environment and sensitive development areas, including impacts on the Rural Area's important riparian corridors that perform important drainage, habitat, and recreational functions. All development must not have detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

**B. RELATION TO THE COMPREHENSIVE PLAN**

The RR-A Zone District is intended to correspond to the Rural Area designation in the Land Use Plan of the Comprehensive Plan, and may be appropriate in Tiers 1 and 2. This district provides a transition between the Rural Town Center Planning Areas as designated in the Comprehensive Plan and the agricultural areas in the rural portions of the County.

**C. LOCATION AND OTHER REZONING CRITERIA**

In addition to satisfying the general rezoning criteria set forth in this Land Development Code, the County may approve a rezoning to the RR-A Zone District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located outside of the Designated Growth Areas and Rural Town Center Planning Areas as designated in the Comprehensive Plan;
2. The proposed district accommodates and respects variations in the site's topography, such as rolling and hillside terrain, and preserves and protects sensitive development areas located on or adjacent to the site; and
3. Any residential development proposed within the zone district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable "right to farm" provisions in State statutes.

**2-3.5. RR-B, Rural Residential B****A. SPECIFIC PURPOSE**

1. The RR-B Zone District is intended primarily to preserve existing low-density residential developments, at gross densities of at least one dwelling unit per 2.41 acres, which existed under the R-A zoning prior to August 15, 2019.
2. The RR-B District is also intended to serve a limited need for new residential development of a more rural character, at an average gross density of no less than one unit per 2.41 acres, providing a transition between the Rural Town Centers and the agricultural areas in the rural portions of the County. The principal uses allowed in this district are residential large-lot development, open land uses, limited agriculture-related uses, and other uses supportive of a rural residential area. The intent is to provide very low-density, single-family detached residential development with limited, small-scale agricultural uses.
3. Another appropriate location for such low-density development may be as a transition between higher-density, suburban residential projects and the Rural Area located outside the Urban Area, particularly where community services and infrastructure are not yet available.
4. The principal use permitted within this district is a single-family detached residential dwelling, together with accessory uses and structures appropriate for such semi-rural densities, including the keeping of a limited number of animals and accessory buildings and private stables. Limited non-commercial agricultural uses (including the keeping of rabbits, chickens, geese, or other small agricultural animal or fowl for the private use of the residents only) are also allowed.

## 2-3: Agricultural and Residential Districts

**B. RELATION TO COMPREHENSIVE PLAN**

The RR-B Zone District is intended to correspond to the Rural Town Center Planning Areas designated in the Land Use Plan of the Comprehensive Plan. This zone district provides a transition at the outer edges of the Rural Town Center planning areas and the agricultural areas in the rural portions of the County with limited, small-scale agricultural uses.

**C. LOCATION AND OTHER REZONING CRITERIA**

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the RR-B Zone District only if the proposed zone district complies with all of the following specific criteria:

1. The proposed district is located either:
  - a. Inside the Planning Area boundaries designated on either the Byers Sub-Area Plan or the Strasburg Sub-Area Plan, or
  - b. As a transition zone existing between existing agricultural uses and areas of low-density development existing immediately outside the edge of the Urban Area of Arapahoe County.
2. The proposed district accommodates and respects variations in the site's topography, such as rolling and hillside terrain, and preserves and protects sensitive development areas located on or adjacent to the site;
3. Adequate public water and wastewater facilities (i.e., central or community water or sewer) are not available to serve the zone district at the time the need for such service is expected to occur.

**2-3.6. RR-C, Rural Residential C****A. SPECIFIC PURPOSE**

1. The RR-C Zone District is intended primarily to preserve existing low-density residential developments, at gross densities of at least one dwelling unit per 1.61 acres, which existed under the R-E zoning prior to August 15, 2019.
2. The RR-C Zone District is also intended to serve a limited need for new residential development of a more rural/suburban character, at an average gross density of no less than one unit per 1.61 acres, within the boundaries of the Rural Town Center Planning Areas, designated in the Comprehensive Plan.
3. The most appropriate location for such low-density development is in the Rural Town Centers and as a transition between Rural Town Centers and the surrounding rural residential and agricultural areas.
4. Another appropriate location for such low-density development may be as a transition between higher-density, suburban residential projects and the Rural Area, as designated in the Comprehensive Plan, located outside the Urban Area of Arapahoe County, and particularly where central or community services and infrastructure are not yet available.
5. The principal use permitted within this district is single-family detached residential dwellings, together with accessory uses and structures appropriate for such semi-rural densities, including the keeping of a limited number of animals and accessory buildings.

**B. RELATION TO COMPREHENSIVE PLAN**

The RR-C Zone District is intended to correspond to the Rural Town Center Planning Areas designated in the Land Use Plan of the Comprehensive Plan. This zone district provides a transition between the Rural Town Center Planning Areas and the agricultural areas in the rural portions of the County with very limited, small-scale agricultural uses.

2-3: Agricultural and Residential Districts

**C. LOCATION AND OTHER REZONING CRITERIA**

In addition to satisfying the general rezoning criteria set forth in this Land Development Code, the County may approve a rezoning to the RR-C Zone District only if the proposed zone district complies with all of the following specific criteria:

1. The proposed district is located either:
  - a. Inside the Planning Area boundaries designated on either the Byers Sub-Area Plan or the Strasburg Sub-Area Plan, or
  - b. As a transition zone existing between existing agricultural uses and areas of low-density development existing immediately outside the edge of the Urban Area of Arapahoe County; and
2. The zone district is proposed to accommodate and respect variations in the site's topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site; and
3. Adequate public water and wastewater facilities (i.e., central or community water or sewer) are available to serve the zone district at the time the need for such service is expected to occur.

**2-3.7. R-1-A, Residential 1-A**

**A. SPECIFIC PURPOSE**

The R-1-A zone district is intended to provide for low-density single-family detached residential development within the more urban portions of the unincorporated areas of Arapahoe County. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

**B. RELATION TO THE COMPREHENSIVE PLAN**

The R-1-A zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone districts provides a transition between the Rural Areas of the Comprehensive Plan and more densely developed urban areas.

**C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS**

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

**D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS**

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

**E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

**2-3.8. R-1-B, Residential 1-B**

**A. SPECIFIC PURPOSE**

The R-1-B zone district is intended to provide large lot single-family detached residential development in the more urban portions of the unincorporated areas of Arapahoe County. It serves as a transition from more densely developed neighborhoods to the rural residential and agricultural zoned lands in the county. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

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**B. RELATION TO THE COMPREHENSIVE PLAN**

The R-1-B zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides a transition between the Rural Areas of the Comprehensive Plan and more densely developed urban areas.

**C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS**

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

**D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS**

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

**E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

**2-3.9. R-1-C, Residential 1-C****A. SPECIFIC PURPOSE**

This district is intended for single-family detached home development on medium-sized lots of 12,500 square feet or greater. This district allows for new residential development of a suburban residential character and can be used as a transition to more densely developed neighborhoods in more urbanized areas of the county. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

**B. RELATION TO THE COMPREHENSIVE PLAN**

The R-1-C zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides for transition to larger lot and more rural development from more urban and mixed-use zone areas.

**C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS**

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

**D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS**

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

**E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

**2-3.10. R-1-D, Residential 1-D****A. SPECIFIC PURPOSE**

This district is intended for single-family detached home development on lots similar in size to those found in traditional single-family urban neighborhoods. This more compact development conserves land and adds variety to the types of single-family homes available in the county. The primary land use is single-family homes on lots between 7,200 and 12,500

## 2-3: Agricultural and Residential Districts

square feet in size. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

**B. RELATION TO THE COMPREHENSIVE PLAN**

The R-1-D zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides for transitions to a variety of residential and mixed-use zone districts.

**C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS**

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

**D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS**

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

**E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

**2-3.11. R-2-A, Residential 2-A****A. SPECIFIC PURPOSE**

The R-2-A zone district is intended for smaller scale single-family detached and two-family home development on relatively narrow lots. This district allows for the development of neighborhoods with a variety of lot sizes and a blend of single-family dwelling units, such as zero-lot line homes, patio homes, and two-family homes. The primary land uses are single-family detached and two-family homes on lots between 5,000 and 7,000 square feet in size. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

**B. RELATION TO THE COMPREHENSIVE PLAN**

The R-2-A zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides for transitions to a small lot residential and mixed-use zone districts.

**C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS**

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

**D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS**

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

**E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.



**2-3.12. R-2-B, Residential 2-B**

**A. SPECIFIC PURPOSE**

The R-2-B zone district is intended for a mix of townhome, two-family homes, and single-family detached home development on small lots. This district allows a blend of single-family unit types to be developed with a more urban type of neighborhood character. The primary land uses are townhouse, two-family homes and single-family detached homes on lots between 3,600 and 5,000 square feet in size. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

A maximum of 10 acres of contiguous land may be located in this district, and areas zoned R-2-B must be separated from each other by a distance of at least 1,000 feet, measured in a straight line. The total amount of land zoned R-2-B may not exceed 50 percent of the land in any preliminary subdivision plat.

**B. RELATION TO THE COMPREHENSIVE PLAN**

The R-2-B zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides for small lot residential developments to be interspersed close to commercial and employment centers.

**C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS**

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

**D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS**

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

**E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

**2-3.13. R-M, Residential - Manufactured/Mobile Home**

**A. PURPOSE**

The R-M zone district is intended to provide for areas which encourage the construction of manufactured homes (as defined by Senate Bill 102, as amended), and to permit mobile homes in areas of unincorporated Arapahoe County. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

**B. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS**

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

**C. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS**

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

**D. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

### **2-3.14. R-MF, Residential – Multi-Family [reserved for future regulations]**

#### **A. PURPOSE**

Arapahoe County allows multi-family development only through a PUD process; this section is reserved for future regulations.

## **2-4 NON-RESIDENTIAL ZONE DISTRICTS**

This section sets forth the intent and purpose for each non-residential zone district for the unincorporated portions of Arapahoe County as listed in Table 2-2.1 above. Also indicated is the district's role in implementing the Comprehensive Plan's future land use policies and, as applicable, location criteria that the County must consider in mapping such district to specific property. Specific dimensional standards for each zone district are contained in Section 4-1.1.B, Non-residential District Dimensional Standards in Chapter 4. Development and design standards and requirements applicable to development in all zone districts are also found in Chapter 4, Development Guidelines and Standards.

### **2-4.1. General Purposes for Commercial Zone Districts**

The B-1, B-3, B-4, and B-5 business zone districts are established, designed, and intended to provide a wide range of services and goods to meet household and business needs, and more specifically:

- A.** To provide appropriately located areas consistent with the Comprehensive Plan for a full range of office, retail commercial, and service commercial uses needed by Arapahoe County's residents, businesses, and workers.
- B.** To strengthen the County's economic base, and provide employment opportunities close to home for residents of Arapahoe County.
- C.** To create new business centers that provide convenient vehicular access, encourage safe and efficient pedestrian connections, and provide efficient public transit circulation and connections.
- D.** To encourage mixed-use and higher-density urban development, where such development is consistent with existing land uses or is reflected in the adopted Comprehensive Plan/Sub-area Plans and to encourage redevelopment and adaptive reuse of aging and underutilized areas in the County's Urban Area and Rural Town Centers, and increase the efficient use of available commercial land in the County.
- E.** To create suitable environments for various types of commercial business uses, and protect them from the adverse effects of incompatible uses.
- F.** To minimize the impact of commercial business development on abutting residential districts and uses.
- G.** To ensure that the appearance and impacts of commercial buildings and uses are compatible with the character of the area in which they are located through design standards and guidelines.

### **2-4.2. B-1, Administrative and Professional Offices District**

#### **A. SPECIFIC PURPOSE**

The B-1 District is intended to allow limited commercial uses adjacent to, or in close proximity to, residential neighborhoods in unincorporated Arapahoe County and the surrounding areas. In this way, jobs and services can be provided in close proximity to County residents, thereby increasing convenience for residents, encouraging alternative modes of transportation, and reducing the amount and length of automobile vehicle trips. The specific uses allowed are intended to be of a type and scale that are compatible with nearby residential uses.

2-4: Non-Residential Zone Districts

**B. RELATION TO THE COMPREHENSIVE PLAN**

The B-1 District generally implements the “Neighborhood Commercial” and “Community Commercial” land-use categories stated in the Comprehensive Plan.

**C. LOCATION AND OTHER REZONING CRITERIA**

In addition to satisfying the general rezoning criteria stated in Chapter 5: Procedures, the County may consider a rezoning to the B-1 district based upon the following criteria:

1. Administrative and Professional Offices sites shall:
  - a. Range in size from one to five acres;
  - b. Be compatible with surrounding neighborhoods;
  - c. Be designed in a manner that encourages direct pedestrian and bicycle access.
2. The B-1 District shall be located within a Designated Growth Area.
3. In the Rural Area, the proposed district is consistent with the Comprehensive Plan and any applicable Sub-Area Plans.

**D. DISTRICT-SPECIFIC STANDARDS**

1. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.
2. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance compatibility with adjacent land uses and minimize adverse visual and audible impacts.
3. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.
4. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing and will comply with other applicable design standards of this code.
5. The location of exterior equipment shall minimize visual and auditory impacts to adjacent property and public streets and will comply with other applicable design standards of this code.
6. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

**2-4.3. B-3, Neighborhood and Community Business District**

**A. SPECIFIC PURPOSE**

1. The B-3 District provides for a wide range of general commercial goods and services for County residents and local communities. Such goods and services are primarily contained in enclosed structures, and may serve multiple neighborhoods or a community.
2. The B-3 district will allow the continuance and new development of stand-alone commercial retail and business uses. Mixed-use, commercial, and employment center development is strongly encouraged. When permitted, B-3 District nonresidential uses are located in close proximity to existing residential development or a residential zone district. The B-3 district should be compatible in terms of scale and bulk, and should minimize any potential adverse impacts on adjacent residential uses.

## 2-4: Non-Residential Zone Districts

**B. RELATION TO THE COMPREHENSIVE PLAN**

This B-3 District generally implements the “Neighborhood Commercial,” “Community Commercial,” “Regional Commercial,” and “Employment Centers” land-use categories stated in the Comprehensive Plan and any applicable Sub-area Plans.

**C. LOCATION CRITERIA**

In addition to satisfying the general rezoning criteria stated in Chapter 5: Procedures, the County may consider a rezoning to the B-3 district based upon the following criteria:

1. The B-3 District shall be located within a Designated Growth Area.
2. The proposed district is consistent with the Comprehensive Plan and any applicable Sub-area Plans.
3. The nature and location of the proposed district and uses will not create, promote, or exacerbate a strip commercial development pattern along any street.

**D. DISTRICT-SPECIFIC STANDARDS**

1. Permanent outdoor display and outdoors sales, temporary or seasonal outdoor displays, sales, or special events are prohibited within the district except as otherwise noted in this chapter.
2. Outdoor storage is prohibited.
3. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.
4. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. All uses must comply with the lighting standards contained in this Land Development Code.
5. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance the compatibility of uses to adjacent land uses.
6. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.
7. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing and will comply with other applicable design standards of this code.
8. The location of exterior equipment shall minimize visual and auditory impacts to adjacent property and public streets and will comply with other applicable design standards of this code.
9. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

**2-4.4. B-4, Specialty Commercial District****A. SPECIFIC PURPOSE**

The B-4 District is intended for business and commercial development within unincorporated Arapahoe County for specialty uses otherwise not permitted in the other Business Zone Districts. In particular, this district allows for permanent outdoor storage, activity, displays, or sales of materials and goods. While some new development in the B-4 District is expected to be single-use, the County strongly encourages new development and redevelopment in mixed-use developments, including business and light industrial parks, wherever feasible and appropriate.

## 2-4: Non-Residential Zone Districts

**B. RELATION TO THE COMPREHENSIVE PLAN**

The B-4 District generally implements the "Community Commercial," "Regional Commercial," "Convenience Commercial," and "Employment Centers" land-use categories stated in the Comprehensive Plan.

**C. LOCATION CRITERIA**

In addition to satisfying the general rezoning criteria stated in Chapter 13, the County may consider a rezoning to the B-4 district based upon the following criteria:

1. The B-4 District is located within a Designated Growth Area.
2. In the Eastern Communities, the proposed district is consistent with Comprehensive Plan and any applicable Sub-area Plans.
3. Any outdoor activity proposed within the district will be sited and designed to mitigate adverse visual impacts, odors, and other adverse impacts on neighboring land uses and on the public's use of adjacent streets, rights-of-way, and trails.

**D. DISTRICT-SPECIFIC STANDARDS**

1. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.
2. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. All uses must comply with the lighting standards contained in this Land Development Code.
3. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance the compatibility of uses to adjacent land uses.
4. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.
5. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing and will comply with other applicable design standards of this code.
6. The location of exterior equipment shall minimize visual and auditory impacts to adjacent property and public streets and will comply with other applicable design standards of this code.
7. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

**2-4.5. B-5, Regional Commercial District****A. SPECIFIC PURPOSE**

The B-5 District is intended to provide for regional commercial development within the unincorporated portions of Arapahoe County. This zone district focuses on regional commercial development that may serve a broader population and may provide commercial and business services outside of the local area. The County strongly encourages new development and redevelopment in mixed-use developments, including business and light industrial parks, wherever feasible and appropriate.

**B. RELATION TO THE COMPREHENSIVE PLAN**

The B-5 District generally implements the "Community Commercial," "Regional Commercial," "Convenience Commercial," and "Employment Centers" land-use categories stated in the Comprehensive Plan.

## 2-4: Non-Residential Zone Districts

**C. LOCATION CRITERIA**

In addition to satisfying the general rezoning criteria stated in Chapter 5: Procedures, the County may consider a rezoning to the B-5 district based upon the following criteria:

1. The B-5 District is located within a Designated Growth Area.
2. In the Eastern Communities, the proposed district is consistent with Comprehensive Plan and any applicable Sub-area Plans.
3. Any outdoor activity proposed within the district will be sited and designed to mitigate adverse visual, odor, and other impacts on neighboring land uses and on the public's use of adjacent streets and rights-of-way, and trails.
4. Intended for areas served by arterial or major collector roadways.

**D. DISTRICT-SPECIFIC STANDARDS**

1. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.
2. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. All uses must comply with the lighting standards contained in this Land Development Code.
3. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance the compatibility of uses to adjacent land uses.
4. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.
5. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing and will comply with other applicable design standards of this code.
6. The location of exterior equipment shall minimize visual and auditory impacts to adjacent property and public streets and will comply with other applicable design standards of this code.
7. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

**2-4.6. I-1, Light Industrial District****A. GENERAL PURPOSES**

1. Among the County's primary land-use goals, as stated in the Comprehensive Plan, are goals to promote employment and commercial development in Designated Growth Areas and plan for adequate public facilities and services in Growth Areas. The I-1 industrial-zone district is intended to implement these goals by promoting an economic base for unincorporated Arapahoe County.
2. Residential uses are generally not allowed in these districts, with the exception of well-planned light industrial business parks that are integrated with higher density residential units. These zone districts are intended to apply only within designated locations within the Urban Area and Rural Town Centers as designated in the Comprehensive Plan. These districts are generally not appropriate for properties located in the Rural Area, unless the proposed use is agricultural related.
3. While the County intends to foster economic development and employment opportunities in Growth Areas, this type of development should be balanced with other community values.

## 2-4: Non-Residential Zone Districts

**B. SPECIFIC PURPOSE**

1. All development in the district must respect and respond to the district's unique light industrial character. All development must be sited to avoid or mitigate any adverse impacts to the environment and sensitive development areas, including impacts on air quality and important riparian corridors that perform important drainage, habitat, and recreational functions.
2. All development must have no detrimental impacts on soil stability or ground water supplies or adversely impact the quality of ground water supplies. All development must mitigate impacts from runoff and/or from changes to the drainage characteristics of the land.

**C. RELATION TO THE COMPREHENSIVE PLAN**

The I-1 Zone District is intended to correspond to and implement the "Employment Center" land-use category designated in the Land Use Plan element of the Comprehensive Plan.

**D. LOCATION AND OTHER REZONING CRITERIA**

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the I-1 Zone District only if the proposed district complies with all of the following specific criteria:

1. This zone district must be located in designated areas of the Urban Areas and Rural Town Centers as designated in the Comprehensive Plan and associated Sub-area Plans;
2. This zone district should be compatible with adjacent land uses;
3. This district should be located in areas convenient to railroads, airports or arterial roads and highways and within or near employment centers, especially for businesses that rely on movement of goods and materials.

**E. DISTRICT-SPECIFIC STANDARDS**

1. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas.
2. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. Lighting is regulated in another chapter of the Land Development Code.
3. Industrial activities shall be oriented to minimize visual and audible impacts to residential uses, open space, natural areas and arterial roads. A combination of appropriate screening and landscaping must be used to enhance the compatibility of industrial uses to adjacent land uses.
4. Long, unarticulated facades shall be avoided by employing at least four of the following to create visual interest and shadow lines: textured and/or patterned surfaces, projections of exterior building walls, recesses and reveals to exterior building walls, variations in color, window fenestration, roof overhangs, and/or changes in parapet height.
5. On-site loading docks and service areas shall be located to minimize visibility from public streets or adjacent residential uses to the extent feasible, given the topography of the site and surrounding areas. Service and loading areas that are visible from residences or public streets shall be appropriately screened by fences, walls, landscaping berms or any combination thereof. Site design shall demonstrate efforts to minimize audible impacts to adjacent properties.
6. All buildings shall provide architectural improvements that include at least four of the following: wainscoting, use of different colors and materials, placement of doors, window treatments, color bands, material changes, and an integral use of landscaping.

## 2-4: Non-Residential Zone Districts

7. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing that is a minimum of six feet in height. Trash enclosures are subject to applicable design standards of this code.
8. Outdoor storage shall be completely screened, to the extent feasible, given the topography of the site and surrounding areas, by a method that matches the thematic colors and materials of the building. The screen wall or solid fence shall not exceed 10 feet in height, and storage materials shall not be stacked or be visible above the enclosure, when viewed from the property line.
9. The location of exterior mechanical equipment associated with industrial processing or manufacturing operations shall minimize visual and auditory impacts to adjacent property and public streets, and shall comply with other applicable design standards of this code.
10. Four-sided/360 degree architecture shall be used on all buildings, except where not visible from adjoining properties, public ROW, or private roadways within the development.

**2-4.7. I-2, Heavy Industrial District****A. GENERAL PURPOSES**

1. Among the County's primary land-use goals, as stated in the Comprehensive Plan, are goals to promote employment and commercial development in Designated Growth Areas and plan for adequate public facilities and services in Growth Areas. The I-2 industrial-zone district is intended to implement these goals by promoting an economic base for unincorporated Arapahoe County.
2. Residential uses are generally not allowed in these districts, with the exception of well-planned light industrial business parks that are integrated with higher density residential units. These zone districts are intended to apply only within designated locations of the Urban Area and Rural Town Centers as designated in the Comprehensive Plan. These districts are generally not appropriate for properties located in the Rural Area, unless the proposed use is agricultural related.
3. While the County intends to foster economic development and employment opportunities in Designated Growth Areas, this type of development should be balanced with other community values.

**B. SPECIFIC PURPOSE**

1. The I-2 Zone District is intended to provide land for heavy industrial and basic economic uses in Designated Growth Areas, including the Urban Area and Rural Town Centers as designated in the Comprehensive Plan.
2. All development in the district must respect and respond to the district's unique site characteristics. Compatibility with surrounding land uses is very important. All development must be sited to avoid or mitigate any adverse environmental impacts such as air quality and water quality, including impacts on important riparian corridors that perform important drainage, habitat, and recreational functions.
3. All development must have no detrimental effects on soil stability or ground water supplies, or adversely impact the quality of ground water supplies. All development must mitigate impacts from runoff and/or from changes to the drainage characteristic of the land.

**C. RELATION TO THE COMPREHENSIVE PLAN**

The I-2 Zone District is intended to correspond to and implement the "Heavy Industrial" land-use category designated in the Land Use Plan element of the Comprehensive Plan.



**D. LOCATION CRITERIA**

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the I-2 District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located in the Urban Area or in Rural Town Centers as designated in the Comprehensive Plan/Sub-Area Plans;
2. Heavy industrial sites should have access to one or more major arterials or highways capable of handling heavy-truck traffic. Railroad or airport access may also be used.
3. This zone district focuses on regional heavy industrial uses that may serve a broader population and may provide industrial services outside of the local area.

**E. DISTRICT-SPECIFIC STANDARDS**

1. Traffic generated from heavy-industrial development shall not pass through residential areas.
2. This zone district will be adequately buffered from population centers and especially all residential zone districts.
3. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas.
4. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. Lighting is regulated in another chapter of the Land Development Code.
5. Industrial activities shall be oriented to minimize visual and audible impacts to residential uses, open space, natural areas and arterial roads. A combination of appropriate screening and landscaping will enhance the compatibility of industrial uses to adjacent land uses.
6. Long, unarticulated facades shall be avoided by employing at least four of the following to create visual interest and shadow lines: textured and/or patterned surfaces, projections of exterior building walls, recesses and reveals to exterior building walls, variations in color, window fenestration, roof overhangs, and/or changes in parapet height.
7. On-site loading docks and service areas shall be located to minimize visibility from public streets or adjacent residential uses to the extent feasible, given the topography of the site and surrounding areas. Service and loading areas that are visible from residences or public streets shall be appropriately screened by fences, walls, landscaping berms or any combination thereof. Site design shall demonstrate efforts to minimize audible impacts to adjacent properties.
8. All buildings shall provide architectural improvements that include at least four of the following: wainscoting, use of different colors and materials, placement of doors, window treatments, color bands, material changes, and an integral use of landscaping.
9. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing that is a minimum of six feet in height. Trash enclosures are subject to applicable design standards of this code.
10. Outdoor storage shall be completely screened, to the extent feasible, given the topography of the site and surrounding areas, by a method that matches the thematic colors and materials of the building. The screen wall or solid fence shall not exceed 10 feet in height, and storage materials shall not be stacked or be visible above the enclosure, when viewed from the property line.
11. The location of exterior mechanical equipment associated with industrial processing or manufacturing operations shall minimize visual and auditory impacts to adjacent property and public streets, and shall comply with other applicable design standards of this code.

2-4: Non-Residential Zone Districts

- 12. Four-sided/360 degree architecture shall be used on all buildings except where not visible from adjoining properties, public ROW, or private roadways within the development.

**2-4.8. O, Open**

**A. SPECIFIC PURPOSE**

- 1. The O zone district is intended to provide for areas intended to be used primarily for outdoor recreation activities and to provide open space buffers to residential areas and/or dwellings. Maximizing the areas set aside for un-obstructed open space will therefore be one of the major criteria for evaluation of development proposals.
- 2. It is expected that development under this district will provide for the conservation of the natural features of the land.
- 3. If land is in a 100-year floodplain, no structures will be permitted and rezoning to "FLP-O" will be required.

**B. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS**

This zone district may be affected by special use and height restrictions and performance regulations as set forth in these Regulations.

**C. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS**

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

**D. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

**2-4.9. C, Cultural**

**A. SPECIFIC PURPOSE**

- 1. The C Zone District is intended to provide areas for cultural facilities for the enjoyment of residents of Arapahoe County in Designated Growth Areas, including the Urban Area and Rural Town Centers as designated in the Comprehensive Plan.
- 2. All development in the district must respect and respond to the district's unique site characteristics. Compatibility with surrounding land uses is very important and cultural facilities will need to be adequately buffered from population centers and especially all residential zone districts. The effects of odors, refuse, noise and vibration shall not extend beyond property lines.
- 3. Cultural uses may serve a broader population beyond the local area.

**B. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS**

This zone district may be affected by special use and height restrictions and performance regulations as set forth in these Regulations.

**C. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS**

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

**D. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

### **2-4.10. F, Floodplain**

#### **A. SPECIFIC PURPOSE**

- 1.** Floodplains must be preserved for the primary function of conveying unobstructed floodwaters.
- 2.** The uses and improvements listed as Permitted or Use by Special Review in the floodplain may be considered for approval within a floodplain if it is determined that the proposed use or improvement is in conformance with Section 4-3, Floodplain Management, floodplain management goals, and is otherwise consistent with the zoning district standards of the Land Development Code. It must be demonstrated that none of the conditions in subsection 2-4.10.B, will occur as a result of the proposed use or improvement.
- 3.** Land within the floodplain may be used for other purposes so long as the primary conveyance and storage function of the floodplain is preserved, the use is not a detriment to water quality, and the use is consistent with this district.
  - a.** This district is intended to comprise those areas which are subject to periodic inundation and flooding based on the stormwater produced by the 100-year storm event, and is therefore unsuitable for human habitation.
  - b.** No structure shall be used for human habitation.
  - c.** This district is further intended to preserve and protect the floodway.
  - d.** The boundaries of lands controlled by this district shall be those areas which have been established as floodplains or special flood hazard areas by the Board of County Commissioners, in accordance with Section 4-3.4.B.
  - e.** Land in this district may be used for the area requirements for any other district so long as adequate space remains in any such land outside of the floodplain for building purposes.
  - f.** It is the intent of Arapahoe County that no new structures be constructed in F property, and that all such existing legal nonconforming uses either be removed upon obsolescence or be improved to meet substantial improvement criteria set forth in Section 4-3.

#### **B. PERFORMANCE STANDARDS FOR USE OF FLOODPLAINS**

- 1.** No floodplain use shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodplains of the mainstream or any tributaries to the mainstream, drainage ditches, or any other drainage facilities or systems.
- 2.** No structure (temporary or permanent), fill (including fill for roads and levees), deposits, obstruction, storage of materials, or other floodplain uses which, acting alone or in combination with existing or future floodplain uses, shall be permitted that adversely affect the efficiency or the capacity of the floodplain, or which adversely affects the storage capacity of the floodplain. Impervious surfaces in the floodplain shall be minimized. Proposed impervious surfaces in the floodplain are subject to approval by the Engineering Services Division with respect to generated stormwater runoff.
- 3.** All uses of F property shall comply with applicable floodplain management regulations contained in Section 4-3, Floodplain Management, as may be amended time to time, and within the Floodplain Chapter of the Arapahoe County Stormwater Management Manual.
- 4.** The restrictions contained in this section shall be interpreted and applied in concert with the Floodplain Management regulations set forth in Section 4-3, and the Floodplain Chapter of the Arapahoe County Stormwater Management Manual, and that in the event of conflict between the sections, the most restrictive regulation will govern.

**C. PRINCIPAL PERMITTED USES**

The uses and improvements listed as Permitted or Use by Special Review in the floodplain may be considered for approval within a floodplain if it is determined that the proposed use or improvement is in conformance with Section 4-3, Floodplain Management, floodplain management goals, and is otherwise consistent with the zoning district standards of the Land Development Code. It must be demonstrated that none of the conditions in subsection 2-4.10.B, will occur as a result of the proposed use or improvement.

**D. PROHIBITED USES**

**1. Use Factors**

In general any use that has the potential for the following to occur is prohibited in the floodplain:

- a. Obstruction of the flood water flow so that the floodplain is altered in excess of the allowable criteria (unless approved through a floodplain modification study).
- b. Reduction in the carrying capacity of the channel (unless approved through a floodplain modification study).
- c. Potential for material, equipment, or facilities to become dislodged or displaced and to be deposited downstream causing channel or drainageway, culvert or bridge blockage, channel degradation, or damages to other properties.
- d. Potential for negatively impacting water quality.

**2. Prohibited Uses**

The following uses are prohibited within the floodplain:

- a. All new construction of structures including residential, non-residential, recreational or temporary.
- b. Additions to existing structures.
- c. Fencing, including solid or perforated wood; split rail; chain link; stone; brick; or other materials. Three-strand barbed wire may be permitted in the rural areas on a case-by-case basis.
- d. Detention or water quality ponds not part of a regional or County or UDFCD approved drainage Master Plan.
- e. New construction of streets (local and collector streets may be approved on a case-by-case basis provided alternate access is available and street depth criteria are met).
- f. Storage or processing of materials, which are buoyant, flammable, explosive, or could cause injury to humans, animals, or plants.
- g. Storage, processing or materials, or any other activity that may have an adverse impact on water quality.
- h. Permanent toilet facilities.
- i. New construction of structures, ponds, or appurtenances related to water and wastewater treatment facilities.
- j. Vehicle parking lots not associated with an approved floodplain use.
- k. New construction of critical facilities.
- l. New construction of landscaping walls or structural walls that extend or flatten land that result in floodplain encroachment.

**3. Storage of Materials**

- a. Storage of hazardous or floatable materials in the floodplain is prohibited.
- b. Temporary storage of construction-related vehicles and materials may be permitted by the Floodplain Administrator, depending upon location and type of material storage,

- c. Storage of any material in the floodway is prohibited, unless permitted by the Floodplain Administrator.
- 4. **Uses Not Listed**  
Uses not specifically listed above may be permitted if, in the opinion of the Floodplain Administrator, they are similar in character to permitted uses in this district, and are in conformance with the intent of this district. Uses not specifically prohibited above shall not be construed as allowed by exclusion.
- 5. **AIA-O, Airport Influence Area Regulations**  
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.
- 6. **Voided/De-Annexed/Disconnected Land Regulations**  
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

## 2-5 OVERLAY DISTRICTS

### 2-5.1. AIA-O, Airport Influence Area

#### A. INTENT

1. The Airport Influence Area District is hereby established as an overlay district which includes within its boundaries each airport influence area recognized by the Board of County Commissioners. Each airport influence area is further divided into restricted areas. Property within an airport influence area is subject to the regulations of the underlying district and this Code as well as the additional regulations of this district. Development within a restricted area may require a 1041 permit in addition to compliance with other applicable County regulations.
2. These regulations are intended to provide for specific areas within Arapahoe County which recognize benefits and potentially adverse impacts which may occur within certain distances from a public, military or private airport facility, and to provide regulations that minimize these impacts as well as protect aircraft operations.
3. These regulations recognize the efforts of other agencies (Arapahoe County Public Airport Authority, U.S. Department of Defense, Adams County Front Range Airport Authority, Denver International Airport, and Federal Aviation Administration), and evidence Arapahoe County's willingness to cooperate with these agencies in the administration of these regulations.
4. These regulations are intended to minimize exposure of residential and other noise sensitive land uses from uncontrollable aircraft noise and high numbers of aircraft overflights; to minimize risks to public safety from potential aircraft accidents; to discourage traffic congestion within these areas by regulating land use densities; and to restrict incompatible land uses within an approved airport influence area.

#### B. GENERAL PROVISIONS

The boundary of any officially recognized "airport influence area" and any noise contour or restricted zone shall be as the same appears on the Zoning Map and/or other updated documents recognized by resolution of the Board of County Commissioners. For purposes of these regulations, the airport influence area of Denver International Airport shall be the outside boundary of the 55 Ldn contour for that airport.

**1. Restricted Areas**

**a. Airports**

These regulations shall recognize the restricted areas of each of the following airports as depicted and described in the following documents as may be further updated by resolution of the Board of County Commissioners from time to time hereafter, and to implement selected recommendations as minimum requirements for development within the respective airport influence areas, in order to promote compatible land uses and densities within areas affected by airport operations:

**i. CENTENNIAL AIRPORT**

The March 1998 “Centennial Airport Land Use Guidelines” prepared by the Arapahoe County Public Airport Authority and the preliminary results of the October 1999 “Centennial Airport F.A.R. Part 150 Noise Exposure and Land Use Compatibility” study prepared by Bernard Dunkelberg and Company.

**ii. BUCKLEY AIR FORCE BASE**

The June 1998 “Air Installation Compatible Use Zone Study at Buckley Air National Guard Base” study.

**iii. FRONT RANGE AIRPORT**

The February 2004 “Airport Master Plan update” prepared by Washington Group International, which included forecast general aviation activity for 2021 as well as potential air cargo. Contours were generated by the FAA-accepted Integrated Noise Model (Version 6.1) and reflected areas of Day-Night Level (DNL) noise exposure.

**iv. DENVER INTERNATIONAL AIRPORT**

The Denver International Airport approved 14 CFR Part 150 Study – Noise Exposure Maps on April 2002. It was prepared by HNTB Corporation.

**b. Mapping Airport Influence Area**

The Arapahoe County Mapping Section shall create and maintain maps of the vicinity of each airport depicting each restricted area within and around such airport that is subject to regulation within the Airport Influence Area District.

**2. Boundaries**

The boundaries of the Airport Influence Area District and each restricted area are based in part upon predictions of day to day noise levels perceptible at ground level. These predictions are based upon acoustical modeling techniques that are accepted as accurate and reliable by the Federal Aviation Administration and by hundreds of airport operators and municipalities nationwide, but are difficult for property owners to test or confirm.

- a.** The Board of County Commissioners has determined that the noise contours relied upon in part as the basis for the Airport Influence Area District regulations are accurate and reliable for the purposes of land use planning.
- b.** The Board of County Commissioners has also determined that, based upon the usage patterns of each airport, that the contours and the restrictions associated therewith reflect sound land planning principles and are justified based upon the current airport traffic regardless of whether the noise predictions are accurate.
- c.** The boundaries of the Airport Influence Area District and each restricted area shall be reviewed and amended when appropriate, either in conjunction with adoption of updated information by the respective airports or based upon other credible information and studies.

**3. Interference**

No land use may be made of land within the Airport Influence Area District in such a manner as to create electrical interference with radio communication between an Air Traffic Control (ATC) facility and an aircraft; or to make it difficult for pilots to distinguish between airport lights and other lights; or to cause glare in the eyes of pilots using the airport; or to impair visibility in the vicinity of the airport; or to otherwise endanger the landing, taking off, or maneuvering of aircraft at an airport or in the vicinity of an airport.

**4. Non-Conforming Structures**

The owner of any nonconforming structure or object of natural growth within the Airport Influence Area District is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Board of County Commissioners, after consultation with the appropriate airport operator, to indicate to the operators of aircraft in the vicinity of the airport the presence of such nonconforming structures.

**5. Protection**

The degree of protection provided by these Regulations is considered reasonable for regulatory purposes and is based on planning, engineering and scientific methods of study and in coordination with aviation and defense agencies. This section does not imply that areas outside of the airport influence area will be totally free from aircraft hazards, and, therefore, shall not create a liability on the part of Arapahoe County, or any of its officers or employees, for any damages resulting from reliance on this Section.

**6. Lots Within More Than One Restricted Area**

In the event a legal lot is located within more than one restricted area, the entire lot shall be subject to the restrictions of the restricted area which most restricts development of the lot. This provision shall not be applied to prevent or discourage subdivision of a parcel or lot to minimize encroachment into restricted areas or to prevent straddling the boundary between restricted areas.

**C. SPECIFIC REGULATIONS**

**1. Airport Influence Area (All Airports)**

**a. Avigation Easement Required**

As a condition of approval of any new land use plan, subdivision plat or building permit, the County shall require an "avigation easement", in a form approved by the Board of County Commissioners, signed by the landowner, which permits flight operations above the property and releases the aircraft operator, the airport owner and operators, and the County from liability or responsibility for the effects of such operations. The avigation easement shall include language stating that, where applicable, noise mitigation construction techniques have been required to mitigate the noise to which the property is exposed. Avigation easements shall not be required as a condition of approval of building permits for structures on unplatted A-E or A-I zoned property or property greater than 35 acres. The easement shall be recorded in the office of the County Clerk and Recorder. A specific note indicating the reception number of the recorded avigation easement shall be required on all Preliminary and Final Development Plans, Master Development Plans, Subdivision Development Plans, Location and Extent Plans, Use by Special Review Plans, and Preliminary and Final Plats which are processed by the PWD Planning Division.

**b. Federal Aviation Regulation (F.A.R.) Part 77 Compliance**

All features of property with an airport influence area shall comply with the requirements of 14 C.F.R. Part 77 [hereafter referred to as "F.A.R. Part 77"]. The County shall require a study establishing compliance at time of rezoning request, and may also require a similar study at the time of application for a FDP or ASP, plat or building permit. The County's standard note requiring compliance with F.A.R. Part 77 criteria shall be required on all Preliminary, Final, Subdivision and Master Development Plans, Preliminary and Final Plats, Location and Extent Plans and Use by Special Review Plans. Where structures are permitted, the maximum height must comply with the minimum requirements of F.A.R. Part 77 in effect at the time of permit issuance. The Board of County Commissioners may require additional height restrictions be placed on any proposal within the Airport Influence Area District consistent with sound planning principles.

**c. Development Proposals**

Development proposals shall be referred to the airport operator for review and comment at the time the proposal is referred to other agencies.

**d. Residential Uses within Airport Influence Areas**

For all residential dwelling units to be constructed within the Airport Influence Areas, the applicant shall disclose to all prospective purchasers, in writing, on a form prepared by the Board of County Commissioners for the applicable airport, that they are located within an area that will be impacted by low-lying aircraft and aircraft noise. The notices shall include language stating that, where applicable, noise mitigation construction techniques have been required to mitigate the noise to which the property is exposed. Such notification will be accomplished by inclusion of the information in all sales contracts and brochures, conspicuous display in the sales offices, inclusion in the homeowners' association documents, and by inclusion on all subdivision and land use plans.

**2. Accident Potential Zone (APZ) I (Buckley Air Force Base only)**

- a. Property shall not be zoned, approved or platted to accommodate residential or other noise sensitive land uses, and building permits shall not be issued for residential or other noise sensitive development.
- b. Prohibit "high people density" structures and uses (shopping malls, office and residential concentrations, etc.) and uses which concentrate people unable to respond to emergency situations, such as the elderly or disabled. Prohibit utilities and services required for the area- wide population, where disruption would have an adverse impact.
- c. Encourage industrial/manufacturing, transportation, communication, wholesale trade, and open space, recreational and agricultural uses. Limit permitted structures and uses to a maximum of 20 percent of the lot or parcel.
- d. Require permitted structures to be located toward the edges of this zone.
- e. Require 250 foot-wide clear path (no structures allowed) on either side of runway centerline extended through and within entire zone.

**3. Accident Potential Zone (APZ) II (Buckley AFB only)**

- a. Discourage new residential development. Where permitted, limit residential densities to one dwelling unit per two and one half acres.
- b. Prohibit "high people density" uses (theaters, churches, schools, restaurants, office parks, etc.), and uses which concentrate people unable to respond to emergency



situations, such as the elderly or disabled. Require permitted non-residential uses to be located toward the edges of this zone.

- c. Limit permitted structures and uses to a maximum of 25 percent of the lot or parcel.

**4. Approach Zone (Centennial Airport only)**

Property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive uses. No structures shall be permitted in the area 200 feet wide by 2,500 feet long along the runway centerline extended (measured from the clear zone/approach zone boundary).

**5. Restriction Area One (Front Range Airport)**

Limited commercial and industrial structures are permitted within Restriction Area No. 1, which do not conflict with the operational and safety needs of the Airport:

- a. Structures must meet Part 77 Requirements.
- b. Structures must meet Noise Level Reduction where the public is received, shall provide and include noise level reduction measures in the design and construction to achieve an interior noise level reduction of 25 decibels in A-weighted levels.
- c. "Limited commercial" means structures will not be used as gathering places for a large number of people, i.e., movie theater, strip mall, bowling alley, etc.
- d. "Operational and safety needs" means dust, smoke, emissions, lights or other obstructions to navigation.
- e. Arapahoe County Planning will consider input from the Front Range Airport as to the compatibility of all proposed structures within Restriction Area No. 1 prior to approving a proposed development.

**6. Buffer Zone (Centennial Airport only)**

Property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive development, except that educational and day care uses may be permitted when constructed in compliance with County noise mitigation construction requirements to achieve an expected interior noise level of no greater than 45 Ldn in this exposure area.

**7. Restricted Area Two (Front Range Airport only)**

Prohibits the construction of residences except that existing residences may be occupied and new homes may be built on lots platted prior to the adoption of this overlay district.

**8. Restricted Development Area (Centennial Airport only)**

Property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive uses, except that day care uses within office buildings may be permitted when constructed in accordance with the County's noise mitigation construction requirements and when sited within the building in a manner that mitigates the risk of injury from potential airplane crashes.

**9. Runway Protection Zone (Centennial Airport only)**

- a. Contained within Airport property boundaries.
- b. No non-aeronautical structures permitted.

**10. Traffic Pattern Area (Buckley Air Force Base, only)**

Property shall not be zoned, approved or platted to accommodate residential or other noise sensitive land uses, and building permits shall not be issued for residential or other noise sensitive development. Limit building coverage to 25 percent of the lot or parcel.

**11. 65-Ldn Noise Zone (All Airports)**

Property shall not be zoned, platted or approved to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive development.

**12. 60-Ldn Noise Zone (All Airports)**

Property shall not be zoned, platted or approved to allow residential uses, and building permits shall not be issued for residential development. All other noise sensitive uses may be permitted when constructed in compliance with County noise mitigation construction requirements to achieve an expected interior noise level of no greater than 45 Ldn in this exposure area.

**13. 55-Ldn Noise Zone (All Airports)**

Rezoning property to permit residential uses, educational or child care uses, or to change development standards to accommodate such uses, is discouraged. Structures accommodating residential, educational or child care uses shall comply with County noise mitigation construction requirements, including air conditioning, to achieve an expected interior noise level of 45 Ldn in this exposure area.

**D. NOISE MITIGATION CONSTRUCTION REQUIREMENTS**

In all cases where noise mitigation construction is required by the Airport Influence Area District regulations, the County will require plat notes and disclosure statements regarding noise and avigation easements in developments affected by operations at airport and airfields in and adjacent to Arapahoe County. Plat notes and sample disclosure statements are found in the Development Application Manual, Standard Notes and Certifications.

**1. Enforcement**

The Zoning Administrator shall be responsible for informing the Building Division that noise mitigation construction techniques are required for building permit applications processed by the Building Division. In the case of building permits issued by the state board of education or other agencies, the applicant shall provide evidence satisfactory to the Zoning Administrator establishing that the building will comply with minimum County noise mitigation construction requirements.

**2. Construction Requirements**

Buildings required to be constructed in accordance with County noise mitigation construction techniques shall comply with applicable building code requirements for noise mitigation construction and shall include central air conditioning and ventilation system, sufficient to enable occupancy of the building without the need for ventilation from open windows or doors.

**E. WAIVER FROM STRICT ENFORCEMENT OF DISTRICT REGULATIONS**

See section 5-5.5.

**2-5.2. CAE-O, Centennial Airport Environs Planning Area**

**A. GENERAL PROVISIONS**

**1. Purpose**

The purpose of these Regulations is to establish development standards that foster high-quality, attractive, and sustainable development that is consistent with the comprehensive plan of Arapahoe County, Colorado. The standards are intended to:

- a. Enhance the human and pedestrian scale of nonresidential developments and ensure compatibility between any residential neighborhoods and adjacent nonresidential uses;
- b. Insure that the on-going vitality of the Centennial Airport is considered and enhanced in the development of properties within the environs of the airport;
- c. Provide for the strengthening of the industrial and commercial base in the vicinity of the airport and opportunities for enhancing the employment base in the western portion of the County;
- d. Mitigate negative visual impacts arising from the scale, bulk, and mass of large commercial and industrial buildings and centers; and
- e. Minimize negative impacts of on-site activities of industrial and commercial uses to adjacent uses.

**2. Applicability**

- a. This section applies to the following types of projects within the Centennial Airport Environs Planning Area (CAEPA). All Centennial Airport property is excluded from the CAEPA and is not subject to these standards. The area included in the CAEPA is as shown on the zoning map, unless exempted under Section 2-5.2.A.3 below.
  - i. All new construction that requires a building permit; and
  - ii. Expansions or enlargements equal to 50 percent or more of existing floor area in a single building, or addition of new floors, including any cumulative expansions or enlargements that meet this threshold based on the floor area in place at the time of adoption of these Regulations.
- b. The specific applicability of each provision of this Section 2-5.2.A.2 varies and is dependent on the type of land use proposed, as detailed in this section. Generally, Section 2-5.2.B applies to development of nonresidential land uses only, and the remaining sections apply to development of all types of land uses.

**3. Exemptions**

The following are exempt from the requirements of these Regulations:

- a. Routine maintenance and repair;
- b. Interior remodeling of existing building;
- c. Projects within an area covered by an approved final development plan or master development plan, so long as no amendment (other than an Administrative Amendment) to that plan is necessary; and
- d. Projects that submit a complete development application prior to adoption of these Regulations.

**4. Relationship to Existing Code**

- a. This section contains supplemental standards that shall apply in addition to, and not in lieu of, all applicable requirements of this LDC, as may be amended from time to time, and any regulations promulgated pursuant to the code.
- b. The areas within the CAEPA are subject to Section 2-5.1, AIA-O, Airport Influence Area.

**5. Procedure**

Compliance with the applicable provisions of this Resolution shall be reviewed as part of the development plan or site plan review procedures of the County.

**B. DEVELOPMENT AND DESIGN STANDARDS FOR NONRESIDENTIAL USES**

**1. Applicability**

This section applies to the development of any nonresidential use in the Centennial Airport Environs Planning Area. These standards are in addition to, and not in lieu of, the

applicable requirements of this LDC, as may be amended from time to time, and any regulations promulgated pursuant to such code.

**2. General Standards for All Non-Residential Uses**

**a. Building Design**

**i. FOUR-SIDED DESIGN REQUIRED**

- (a) Each building subject to these Regulations shall incorporate a similar level of architectural detailing on all sides subject to public view or adjacent properties, not including properties across alleys (See Figure 2-5.2-1).
- (b) Blank walls void of architectural details or other variation are prohibited.
- (c) Four-sided design shall be achieved by meeting the Horizontal Articulation and Vertical Articulation requirements below.



Figure 2-5.2-1: Example of articulation along rear façade of a building

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**ii. HORIZONTAL ARTICULATION**

A single, large, dominant building mass shall be avoided. Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller components. No individual component shall have a horizontal length of more than 60 feet (See Figure 2-5.2-2).

- (a) Components shall be distinguished from one another through two or more of the following (except along the rear façade, where one of the following shall be required):
  - (i) Variations in roof form or variations in roof height of two feet or more;
  - (ii) Changes in wall plane of one foot or more;
  - (iii) Variations in the arrangement of windows;
  - (iv) Recognizable changes in texture, material, or surface colors; or
  - (v) On the façade facing the principal street at least 40 percent of the ground floor wall area between two and 10 feet above grade shall consist of glazing (See Figure 2-5.2-3), and at least 25 percent of each upper floor wall area between three and eight feet above that story's finished floor elevation, as measured from that story's finished floor level, shall consist of glazing when that space is a habitable floor (See Figure 2-5.2-3).

- (b) If a single-story building has a façade taller than 20 feet, the façade area above 15 feet is subject to the same window requirement as the second-floor requirement in paragraph (v) above if a habitable mezzanine is part of the interior space.
- (c) Glazing installed under this section must be maintained without interior or exterior obstructions that limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (excluding window shades or blinds) during hours of business operation.



Figure 2-5.2-2: Examples of Horizontal Architecture



Figure 2-5.2-3: Example of Glazing

**iii. VERTICAL ARTICULATION**

Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body must constitute a minimum of 50 percent of the total building height.

**iv. ENTRANCES**

Buildings shall feature visually prominent entrances on the façade facing the principal street. A combination of at least two or more of the following techniques shall be used:

- (a) Canopy, portico, archway, arcade, or similar projection that provides architectural interest and protection for pedestrians;
- (b) Prominent tower, dome, or spire;
- (c) Peaked roof;
- (d) Projecting or recessed entry;
- (e) Outdoor features, such as seat walls, landscaping with seasonal color, or permanent landscape planters with integrated benches; or
- (f) Other comparable techniques.

**v. EXTERIOR BUILDING WALL MATERIALS**

The following materials are prohibited for use on exterior building walls:

- (a) Un-textured tilt-up concrete panels;
- (b) Corrugated metal; and
- (c) Mirrored or reflective glass, except in limited decorative ways comprising no more than 25 percent of the exterior building walls.

**b. Pedestrian Amenities**

Ground-floor facades that face public streets or other public areas (e.g., outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features along no less than 60 percent of their horizontal length. Pedestrian-oriented design features include, but not be limited to, shaded sidewalks, arcades, entryways, and awnings. Display windows that meet the transparency requirements of Section 2-5.2.B.2.a above may be used to meet this requirement.

**c. Off-Street Parking Area**

- i. All parking spaces shall accommodate full-size vehicles in accordance with the parking design standards contained in the County Land Development Code.
- ii. Any designated passenger vehicle loading spaces shall be adjacent to the main building entrance and shall be appropriately signed for vehicle loading.

**d. Service Areas**

**i. LOCATION**

Outdoor service areas, including loading docks, refuse collection areas, and similar facilities, shall be located at least 20 feet away from any public street, internal or private drive, sidewalk, internal pedestrian walkway, or building with a residential use (not including a mixed-use building). Trash collection or disposal areas shall not encroach into parking setbacks or required landscape buffers.

**ii. SCREENING**

Trash enclosures shall be shielded from view by placement within buildings, or by an enclosure of with walls and/or fencing at least six feet in height. Trash storage

containers, trash compactors and trash placed in such containers shall not project above the screening wall or fence. Wall, gates, and fence materials shall be identical to, or shall compliment, the exterior building materials on the primary structure. Trash enclosure gates shall be constructed of metal with screen material or cladding. Additional landscaped berms and plantings may be required to minimize views of service and trash areas.

**e. Screening of Mechanical Equipment**

All rooftop and grade-level mechanical equipment shall be screened from grade-level view (See Figure 2-5.2-4), including but not limited to soft water tanks, gas meters, vents greater than eight inches in diameter, heating and air conditioning units, and electrical meters shall also be screened from public view. Screening shall be part of the articulation of the building and integrated into the building design. Screens shall be at least as high as the equipment they hide, and shall be of a color and material matching or compatible with the dominant colors and materials found on the facades of the primary building.

**f. Lighting**

**i. GENERAL STANDARDS**

- (a) Light sources shall be concealed or shielded with full cut-off light fixtures to minimize the potential for glare and unnecessary diffusion on adjacent property (see Figure 2-5.2-5).

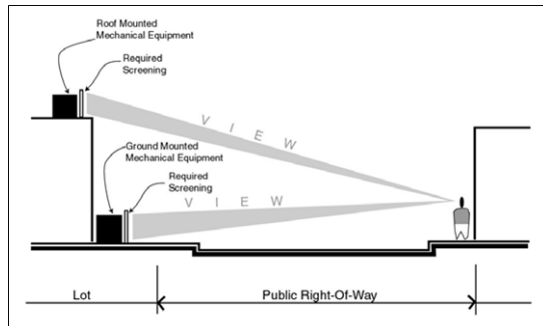


Figure 2-5.2-4: Example of Screening of Mechanical Equipment

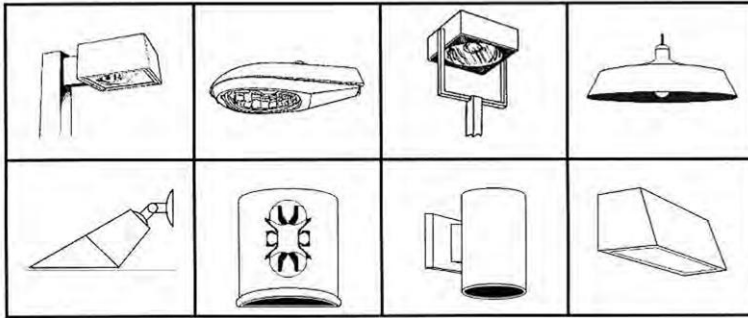


Figure 2-5.2-5: Examples of full cut-off light fixtures

- (b) Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of circulation and safety. The average level of illumination within parking lots shall not exceed 15 foot-candles. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. Floodlights shall not be utilized to light all or any portion of a building façade between 10:00 pm and 6:00 am.
  - (c) Unless stated otherwise in these Regulations, in no case shall exterior lighting add more than one foot-candle to illumination levels at any point off site.
  - (d) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
  - (e) For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the primary building roofline.
  - (f) No exposed strip lighting used to illuminate building facades or outline buildings, neon tubing, or flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
  - (g) No roof-mounted lighting of any kind shall be allowed.
- ii. **LIGHTING EXEMPTIONS**
- The following types of lighting are exempt from the requirements of these Regulations:
- (a) Temporary decorative seasonal lighting provided that individual lamps have a light output of 200 lumens or less.
  - (b) Soffit or wall-mounted luminaries that are permanently attached to residential dwellings, not to exceed the height of the eave.
  - (c) Temporary lighting for emergency or nighttime work and construction.
  - (d) Temporary lighting for theatrical, television, and performance areas, or for special events authorized through a permit.
  - (e) Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
    - (i) Maximum Permitted Light Post Height: 80 feet;



- (ii) Maximum Permitted Illumination at the Property Line: Two foot-candles;  
and
- (iii) Limits on Hours of Illumination: Exterior lighting shall be extinguished no later than 11:00 p.m.

**g. Outdoor Storage**

The following standards apply to all Outdoor Storage that is not classified as a Mini-Warehouse or Self-Storage facility as defined in these Regulations, whether allowed as a principal use or an accessory use, unless such storage is completely enclosed within a building:

- i. No outdoor storage shall be located within 25 feet of the public road right-of-way.
- ii. No outdoor storage shall be located within 300 feet of any lot line that abuts a residential zone district or residential dwelling unit that existed prior to the establishment of the outdoor storage use.
- iii. No outside storage area shall encroach into a required setback.
- iv. All outdoor storage shall be screened from view when the use is visible to the general public from public open space or park lands or from a public right-of-way (including streets, trails, and sidewalks).
  - (a) Screening shall consist of a solid fence or wall at least six and no more than 10 feet in height, notwithstanding any more restrictive provisions contained in the County Land Development Code.
  - (b) Where topographic conditions such as elevated rights-of-way permit visibility over the fence or wall, such visibility shall not be considered a violation of these Regulations.
  - (c) For commercial uses, such fence or wall shall match the colors/materials of the site's primary building.
  - (d) Chain link fencing, with or without slats, shall not be used to meet screening requirements for any outdoor storage use.
  - (e) Stacks or piles of items shall not project above the fence or wall used to screen the material.
- v. No storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water, shall be permitted as part of any outside storage use if such materials exceed applicable fire code requirements.
- vi. For industrial developments, outside storage areas shall not exceed a percentage of the total site area to be established at the time of site or development plan application review, and shall be typically associated with the specific industrial operation proposed for the building.

**3. Additional Standards for Certain Non-Residential Uses**

**a. General Standards**

The general standards in this section shall apply to development of any of the following uses within the CAEPA area: convenience store, service station (or combined convenience store/service station), vehicle wash facility, fast-food restaurant, mini-warehouse or self-storage facility. Nothing in this Section 2-5.2.B.3 shall apply to or cause a use existing as of August 15, 2019 to be declared a non-conforming use due to failure to meet any of the requirements established by this Section 2-5.2.B.3.

**b. Location Standards**

- i. Except as permitted under Section 2-5.2.B.3.c below, no use referenced in Section 2-5.2.B.3.a above may be located within the following areas:

- (a) Within 300 feet of the platted right-of-way of the following roads: Arapahoe Road, Parker Road, Broncos Parkway, Easter Avenue, Dry Creek Road, Potomac Street, Chambers Road, Jordan Road, Briarwood Avenue, and Lima Street.
- (b) Within 300 feet of a residentially zoned or residentially used property.
- ii. Except as permitted under Section 2-5.2.B.3.c below, a vehicle wash facility shall not be located within 1,000 feet of an existing and operational vehicle wash facility. No vehicle wash facility shall be located on a corner lot.
- iii. Except as permitted under Section 2-5.2.B.3.c below, no service station or convenience store shall be located within 1,000 feet of a parcel containing an existing and operational service station or convenience store.
- iv. Except as permitted under Section 2-5.2.B.3.c below, a mini-warehouse or self-storage facility shall not be located within 1,000 feet of a parcel containing an existing and operational mini-warehouse or self-storage facility.

**c. Exemption From Location Standards**

The location restrictions contained in Section 2-5.2.B.3.b above shall not apply to the development of any of the restricted uses within a planned, mixed-use development that meets all the following criteria:

- i. The development contains a total aggregate of at least 50,000 square feet of new and fully enclosed floor area designed, intended, and suitable for commercial retail use; and
- ii. The development includes four or more separate commercial retail uses other than a vehicle wash facility, convenience store, service station, fast-food restaurant, mini-warehouse, or self-storage; and
- iii. All structures within the development are designed and constructed in a planned, integrated, compatible, and coordinated manner using the same or substantially identical:
  - (a) Exterior building materials and colors;
  - (b) Architectural features and style; and
  - (c) Lighting and lighting fixtures.
- iv. All use(s) within the development demonstrate compliance with any applicable County-adopted design standards or regulations for such use(s); and
- v. Construction of the vehicle wash facility, convenience store, service station, fast-food restaurant, mini-warehouse, or self-storage facility within the development occurs either: 1) following issuance of a building permit(s) for buildings or structures containing at least 20,000 square feet of other commercial retail within the development; or 2) at a time or phase of development identified in a written subdivision improvement agreement or development agreement approved by the developer and the County.
- vi. For purposes of this Section 2-5.2.B.3.c, "commercial retail use" shall mean a use for which the primary and predominant activity is the display and retail sale of goods, merchandise, or services. Notwithstanding the foregoing, "commercial retail use" shall not include:
  - (a) Automobile, boat, or other vehicle sales for which a use tax may be applicable when such automobile or vehicles are sold to purchasers residing outside of Arapahoe County;
  - (b) Lumber yards or similar building material businesses;
  - (c) Vehicle wash facility, convenience store, fast-food restaurant, mini-warehouse, self-storage facility, or service station; and

(d) Sexually oriented business.

**d. Design and Operational Standards**

**i. BUILDING ELEMENTS NOT ALLOWED AS SIGNAGE**

Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent, or metallic accent colors shall be used in limited application such as in signage.

**ii. HARDSCAPING**

Large expanses of concrete or asphalt are prohibited. The amount of unrelieved uninterrupted asphalt or pavement area must be limited through the use of landscaping, contrasting colors and banding, or pathways of alternative paving material.

**iii. LIGHTING**

Lighting for the use shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business. Light levels measured at the property line shall not exceed 0.5 foot-candles, and shall not exceed 0.2 foot-candles at any point within 20 feet beyond the site's property line as a direct result of the on-site lighting.

**iv. OPERATIONAL REQUIREMENTS**

- (a) Trash receptacles shall be emptied on a regular basis so as to maintain a clean and orderly appearance.
- (b) Outdoor display, storage, or sale of merchandise, vehicles, trailers, or other equipment on a permanent, temporary or seasonal basis shall not be permitted for all the restricted uses except auto dealerships, and except that items such as propane tanks and other merchandise not permitted to be stored inside may be located outside of a convenience store. Soda, water and other vending machines shall be placed within a building.

**e. Convenience Stores/Service Stations**

The following additional requirements shall apply to the development and operation of any convenience store, service station (or combined convenience store/service station) within the CAEPA area.

**i. BUILDING AND SITE DESIGN**

- (a) Convenience store or service station must maintain a consistent style and architectural theme. This requirement includes fuel pump canopies, cashier booths, vehicle wash and other accessory structures.
- (b) A convenience store or service station shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between loading and unloading, trash collection and other facility operations, use of emergency access easements and fire lanes, and pedestrian access. On-site circulation shall be adequate to allow vehicles to stack in a line for fuel dispensing services without using or obstructing any portion of an adjacent sidewalk or right-of-way.

**ii. FUEL PUMP ISLANDS AND CANOPIES**

- (a) Fuel pump islands associated with service stations or convenience stores shall contain no more than two fuel dispensers per island. Convenience stores and service stations shall have a maximum of two fuel pump islands, or four fuel

dispensers on a minimum one-half acre lot. One fuel pump island, or two fuel dispensers may be added for each additional 2,000 square feet of lot area, provided that the total number of fuel pump islands shall not exceed four per lot, and the total number of fuel dispensers shall not exceed 16 per lot.

- (b) Fuel pump canopies shall not serve as the dominant feature on the site or as a sign or an attention-getting device. A canopy over fuel pumps may be erected subject to the following standards
  - (i) The canopy may be either attached or detached from the principal building.
  - (ii) The height of the canopy from the ground to the underside of the canopy shall not exceed 18 feet.
  - (iii) The canopy structure shall comply with all minimum building setback standards applicable to the principal structure.
  - (iv) The canopy structure shall not be enclosed.
  - (v) The canopy shall utilize the same architectural and design treatment, including materials and colors, as the principal building.
  - (vi) A maximum of 25 percent of each canopy façade area visible from a public street may be internally illuminated. No portion of any canopy façade area may be externally illuminated. Each side of a fuel pump canopy shall be considered a separate façade area.
  - (vii) Intercom or speaker systems shall not negatively impact adjacent residential uses. Such systems shall be designed to direct the sound away from adjacent residential properties.
  - (viii) 50 percent of the total land area covered by such canopy shall be counted toward any maximum FAR limitation for such use.

**iii. BUILDING AND EQUIPMENT SETBACKS**

- (a) The minimum lot size for a convenience store or service station shall be one-half acre (21,780 square feet). The principal building of a convenience store or service station shall be set back a minimum of 40 feet from any street right-of-way.
- (b) Fuel dispensers, fuel pump islands, detached canopies, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from any street right-of-way. Fuel dispensers shall be set back a minimum of 20 feet from any other fuel dispenser located on a parallel pump island, as well as from the primary building and any other building. Such distance shall be measured from pump island to parallel pump island and from pump island to the curb surrounding the building or to the building itself, whichever is closer.

**iv. LIGHTING**

All lighting on the underside of the canopy shall be recessed. Under canopy lighting shall be designed to provide an average level of illumination not to exceed 20 foot candles with a maximum foot-candle reading beneath the canopy not exceeding 30 foot-candles.

**v. VEHICLE WASH FACILITY AS AN ACCESSORY USE**

A single-bay vehicle wash facility is allowed as an accessory use to a permitted service station or convenience store, subject to any use restrictions imposed by a governing preliminary development plan or applicable zone district, and the applicable design and other standards contained in these Regulations.

**vi. MINOR AUTOMOTIVE REPAIR**

The performance of all minor automotive repair work associated with a service station shall be wholly performed within an enclosed building or structure. No exterior parking or storage of vehicles prior to, during, or following repair work shall be permitted on the site unless spaces for parking or storage of such vehicles are clearly illustrated on the Final Development Plan and are limited to no more than three spaces. All vehicle parts, dismantled vehicles, and similar materials and all discarded materials such as tires, cans, and drums shall be stored within an enclosed building or totally screened from public view by a solid, opaque fence or wall.

**f. Fast-Food Restaurants**

The following additional requirements shall apply to the development and operation of any fast-food restaurant within the CAEPA area.

**i. SITE AND BUILDING DESIGN REQUIREMENTS**

- (a) Drive-in lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls, railings, or hedges at least 36 inches in height.
- (b) The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.
- (c) Adequate stacking spaces shall be provided for the drive-through lanes of a fast-food restaurant in accordance with the County Land Development Code. Required stacking lanes shall not block or interfere with site circulation patterns.
- (d) Customer/employee parking shall be separated from driving activities and customer parking shall be located in the area with the highest accessibility to dining or sales areas.
- (e) Drive-in displays, ordering areas and parking canopies are permitted but shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.

**ii. BUILDING AND EQUIPMENT SETBACKS**

- (a) A fast-food restaurant shall be set back a minimum of 40 feet from any street right-of-way and shall meet the side and rear setbacks required by the underlying zone district or development plan, as applicable.
- (b) Drive-through ordering systems/speakers shall not negatively impact adjacent residential uses. Such systems shall be designed to direct the sound away from adjacent residential properties. No speaker shall be operated within 100 feet from an adjacent residentially zoned or used property.

**iii. LIGHTING**

Where a fast-food restaurant abuts property zoned or used for residential purposes, lights illuminating the drive-in lanes, vehicle stacking areas or the order/pick-up windows shall be extinguished at the close of business.

**g. Mini-Warehouse or Self-Storage**

The following additional requirements shall apply to the development and operation of any mini-warehouse or self-storage facility within the CAEPA area.

**i. SITE DESIGN REQUIREMENTS**

- (a) No mini-warehouse or self-storage facility shall exceed five acres in size.

- (b) A self-storage facility shall be completely enclosed with a brick or other masonry perimeter wall of no less than six feet in height.
  - (c) No individual self-storage unit, loading area or other service area shall be visible from any public right-of-way except through openings serving as gates within fencing or where topographic conditions such as elevated rights-of-way will permit visibility over the perimeter wall.
  - (d) Gates shall be designed in a manner to balance the aesthetic compatibility of the self-storage facility fencing materials with the facility security. Colored metal or wrought iron gates designed to enhance the appearance of the facility are encouraged. The use of chain link or barbed wire within the self-storage facility is prohibited.
  - (e) Restroom facilities shall be provided on-site suitable for employee and visitor use.
  - (f) Trash dumpsters shall be provided within the self-storage facility site.
  - (g) Dumpsters shall not be visible from any public right-of-way or if visible, shall be enclosed within a wall similar in design and construction as the perimeter wall.
  - (h) Adequate snow storage areas shall be provided within the property of the self-storage facility. Snow storage areas shall be made accessible and available at all times for the exclusive use of snow storage from October 1 to April 30.
- ii. BUILDING DESIGN REQUIREMENTS**
- (a) The architectural design of a self-storage facility shall be harmonious with the character of the surrounding neighborhood and shall integrate neutral colors and tones as the predominant color palate.
  - (b) Flat roofs shall be prohibited. All roofs shall be pitched and sloped to create visual interest. Use of varying roof pitches and slopes is encouraged and, where a self-storage facility is located within 1,000 feet of a residential area, roof pitches and slopes are encouraged to mimic the pitches and slopes of the residential structures.
  - (c) At least 60 percent of the exterior façade of a self-storage facility shall consist of masonry. Masonry shall include brick, stone or integrally tinted, textured masonry block.
  - (d) The use of intense, reflective, fluorescent, or metallic colors on storage unit doors, fencing, roofing, or walls is prohibited. Intense colors include but are not limited to yellow, orange, and red.
  - (e) No self-storage unit within a self-storage facility shall contain electrical outlets for use by tenants of such facility.
- iii. ACCESS, CIRCULATION, AND ON-SITE PARKING**
- (a) The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site.
  - (b) Ingress and egress for a self-storage facility shall provide for a hard surface of a minimum of 20-foot width with a radius of 50 feet at all cul-de-sacs or turnarounds for fire and other safety vehicles.
  - (c) Parking areas shall not be located in any loading area of individual self-storage units.

**iv. BUILDING AND EQUIPMENT SETBACKS**

A self-storage facility shall be set back a minimum of 40 feet from any street right-of-way. Mini-warehouse and self-storage facilities shall meet the side and rear setbacks required by the underlying zone district or development plan, as applicable.

**v. OPERATIONAL REQUIREMENTS**

- (a) Climate-controlled self-storage facilities are permitted. In no event, however, shall a self-storage facility be refrigerated. For purposes of this section, "refrigerated" shall mean maintaining a temperature below 55 degrees Fahrenheit for more than one hour.
- (b) The self-storage facility shall have a security system requiring the use of cards, keypads, keys or similar security devices limiting access to tenants and to fire, police, and emergency service officials when required.
- (c) Self-storage units shall be used solely for the purpose of storage of goods and possessions and shall not be used for conducting or operating a business, hobby, or any type of activity not related to the storage of personal property.
- (d) No self-storage unit shall be used for the storage of explosives, ammunition or hazardous or flammable materials and the operator/owner of a mini-warehouse or self-storage facility shall include such requirement in its written agreement with each tenant.
- (e) No outdoor storage is permitted on the site of the mini-warehouse or self-storage facility.

**h. Vehicle Wash Facilities**

The following additional requirements shall apply to the development and operation of any vehicle wash facility within the CAEPA area, whether allowed as a primary use or as an accessory use to a convenience store or service station.

**i. WATER CONSERVATION REQUIREMENTS**

- (a) Any vehicle wash facility that obtains a Certificate of Occupancy or a Temporary Certificate of Occupancy after December 9, 2008 shall be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than 50 percent of the water being used by such car wash installation.
- (b) Any vehicle wash facility operator that has obtained a Certificate of Occupancy or a Temporary Certificate of Occupancy prior to December 9, 2008 shall be required to install, and maintain in operation, a water recycling system that will recycle not less than 50 percent of the water as a condition of any permit granted by the County, or any water service district within the County, to:
  - (i) Enlarge the water tap, meter, or service line in any such vehicle wash facility; or
  - (ii) Demolish, destroy or remove and then replace more than 50 percent of the gross square footage of the floor area of the vehicle wash facility building as it exists on December 9, 2008, except for the purpose of replacing under floor heating equipment, or
  - (iii) Expand the gross square footage of the floor area of the vehicle wash facility building by more than 50 percent of the square footage of the vehicle wash facility building as it exists on December 9, 2008.

- (c) An applicant for a convenience store or service station with an accessory vehicle wash facility proposed for construction after December 9, 2008, shall submit its Final Development Plan for review to the applicable water and wastewater providers to insure appropriate and safe provision, use and discharge of water into the wastewater system and shall provide the County with evidence of its submittal to and response by the applicable water and wastewater providers.

**ii. SITE DESIGN REQUIREMENTS**

- (a) To the maximum extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.
- (b) There shall be a minimum distance of 150 feet between any two curb cuts used for entrances and/or exits to a vehicle wash facility. Notwithstanding the 150-foot requirement, the access requirements of the County Infrastructure Design and Construction Standards Manual, Chapter 11-Access Requirements and Criteria shall be met, subject to submittal and analysis of a required traffic study.

**iii. BUILDING AND EQUIPMENT SETBACKS**

A vehicle wash facility shall be set back a minimum of 40 feet from any adjacent streets. Accessory equipment such as vacuum facilities shall be set back a minimum of 20 feet from any adjacent street. Vehicle wash facilities shall meet the side and rear setbacks required by the underlying zone district or development plan, as applicable.

**iv. ACCESS, CIRCULATION, AND ON-SITE PARKING**

- (a) Access points and driveways shall be planned and shared between properties to the greatest extent possible, and access easements shall be noted on the final development plan.
- (b) Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the vehicle wash facility in accordance with Section 2-5.2.D.3 below.
- (c) The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.
- (d) If accessory vacuuming facilities are provided, a minimum of one parking space for each vehicle capable of being serviced at any one time at such vacuum facility shall be provided. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.
- (e) In addition to any parking requirements for employees and wash bays set forth in the County Land Development Code, each car wash bay of a vehicle wash facility shall have the following vehicle stacking capacity for vehicles waiting to be serviced:
  - (i) Three stacking spaces for each bay in a self-service vehicle wash facility.
  - (ii) Six stacking spaces for each in-bay or conveyor vehicle wash facility.

**v. OPERATIONAL REQUIREMENTS**

No outdoor storage of vehicles, products, or discarded materials shall be permitted.



**i. Automobile or Vehicle Sales Uses**

**i. LOCATION STANDARDS**

The following location restrictions apply to automobile or vehicle sales uses (new or used): an automobile or vehicle sales use shall not be located within 1,500 feet of the platted right-of-way of Arapahoe Road, Parker Road, Broncos Parkway, Easter Avenue, Dry Creek Road, Potomac Street, Chambers Road, Jordan Road, Briarwood Avenue, and Lima Street.

**ii. MINIMUM LOT SIZE**

The minimum lot size for an automobile or vehicle sales use within the CAEPA area shall be five acres.

**C. LANDSCAPING**

**1. Applicability**

All development in the CAEPA area shall comply with the following standards, which are in addition to, and not in lieu of, the applicable requirements in the Arapahoe County Land Development Code, as may be amended from time to time, and any regulations promulgated pursuant to such code.

**2. Xeriscaping/Water Conservation**

**a. Drought-Tolerant Plant Materials**

A minimum of 50 percent of the plant materials used to meet applicable landscaping requirements shall be on the approved drought-tolerant plant list as set forth in this Land Development Code.

**b. Water Conservation Techniques**

Three or more of the following water conservation materials/techniques shall be incorporated in all required landscaped areas:

- i. Group plants with similar water requirements together;
- ii. Confine high-irrigation turf and plantings to those areas that are highly visible or frequently used, such as around building entrances, playgrounds, playing fields, and landscape buffers along public rights-of-way;
- iii. Amend soils with organic matter; or
- iv. Use mulched areas, hardscaping, rock, and other inorganic materials in limited decorative ways.

**c. Landscaping Inside Parking Areas**

**i. MINIMUM PERCENTAGES**

- (a) Parking lots containing 20 or more spaces shall landscape a minimum of 10 percent of the total land area used for parking.
- (b) Parking lots with fewer than 20 parking spaces shall landscape a minimum of five percent of the total land area used for parking.

**ii. LANDSCAPE ISLANDS**

- (a) Landscape islands shall be a minimum of 80 square feet (measured back of curb to back of curb) and have a six-inch vertical curb on all sides (See Figure 2-5.2-6).

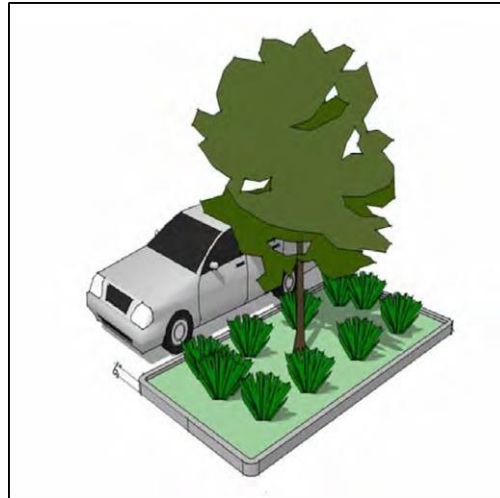


Figure 2-5.2-6: Example of Parking Lot Landscaped Island

- (b) Plant materials selected for use at the perimeter of landscape islands shall be limited to ground covers or other low-growing species that are capable of withstanding occasional foot traffic.

**iii. PARKING BAY SEPARATION**

No more than two parking bays may occur without a landscape buffer of at least 12 feet in width. Landscaped islands shall be provided at both ends of each parking bay.

**iv. PERIMETER PARKING AREA LANDSCAPING**

- (a) Except where a landscape buffer is otherwise required pursuant to the County code, parking area edges shall be screened from public streets and sidewalks, public open space, and adjacent properties by one of the following methods:
  - (i) A berm no more than three feet high with a maximum slope of 3:1 in combination with stands of evergreen trees, canopy shade trees, ornamental trees and/or shrubs;
  - (ii) A low continuous landscaped hedge at least three feet high consisting of a double row of shrubs planted three feet on center in a triangular pattern; or
  - (iii) A decorative masonry wall at least three feet high in combination with landscaping; or
  - (iv) A combination of any of these methods.
- (b) Fences and walls in buffer areas shall be no more than six feet in height, with the finished side of the fence facing out.

**d. Building Foundation Landscaping**

Barring documented soil difficulties, a minimum of 10 percent of required trees and shrubs must be located within 10 feet of the primary building foundation along any facade visible from streets, residential uses, or public lands. Foundation plantings may be clustered to provide interest and accent key features such as building entries.

**D. CONNECTIVITY**

**1. Applicability**

All development in the CAEPA area shall comply with the following standards, which are in addition to, and not in lieu of, the applicable requirements in the Arapahoe County Land Development Code, as may be amended from time to time, and any regulations promulgated pursuant to such code.

**2. Vehicular Connections**

Private driveway or public street connections shall be provided to all existing private driveways or public streets on adjacent sites, or stub-outs if through-connections are not feasible (See Figure 2-5.2-7). Local street connections spaced at intervals not to exceed 600 feet along each boundary abutting adjacent land for future street connections to adjacent developable parcels shall also be provided.

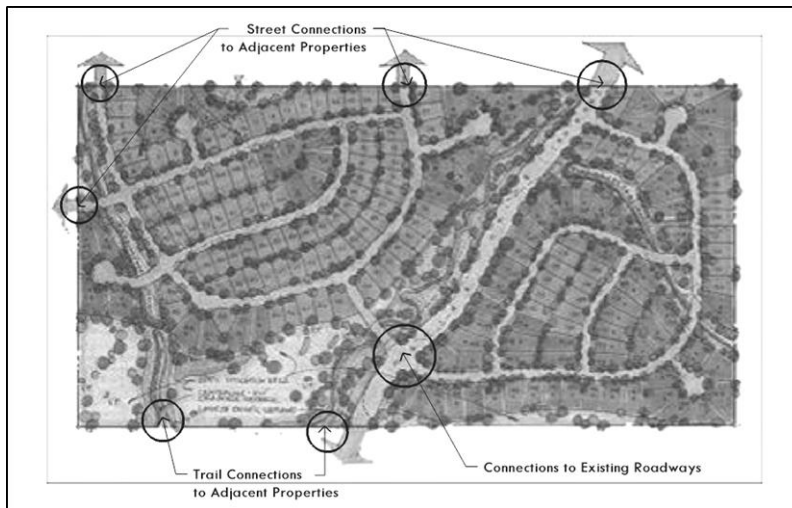


Figure 2-5.2-7: Example of Connections to Adjacent Development

**3. Pedestrian Connections**

**a. Connections and Related Requirements**

- i. All development shall provide a network of on-site pedestrian walkways with a minimum width of six feet to and between the following areas; for example, sidewalks adjacent to a public street shall be connected to all publicly used entrances, all off-street parking areas, all sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development, and any transit-related facilities as described below:
  - (a) Public entrances to each building on the site, including pad site buildings;
  - (b) Parking areas;
  - (c) Sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development;
  - (d) Sidewalks adjacent to a public street; and

- (e) Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.
- ii. Pedestrian-level, bollard lighting not exceeding three feet in height, ground-mounted lighting or other low, glare-control fixtures mounted on building or landscape walls shall be used to light pedestrian sidewalks and walkways. Pedestrian areas shall be illuminated to a minimum of one foot-candle. Pedestrian lighting required by this section shall meet all lighting standards contained in Section 2-5.2.B.2.f.
- iii. Bicycle access from the development site shall be provided to any existing or designated sidewalks, bike paths, or bike lanes located adjacent to the development.
- iv. Connections shall be made at points necessary to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations located within the adjacent neighborhood(s). In order to provide direct pedestrian connections to these adjacent destinations, the County may require additional sidewalks, walkways, or bike paths not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway. Major pedestrian destinations include, but are not limited to, residential subdivisions, schools, parks, open space, recreational facilities, neighborhood shopping, employment, recreation or community centers, public or civic uses, and institutional uses such as religious assembly.
- v. Pedestrian walkways and crosswalks shall be identified through the use of one or more of the following methods:
  - (a) Changing paving material, patterns, or paving color;
  - (b) Changing paving height;
  - (c) Decorative bollards;
  - (d) Painted crosswalks; or
  - (e) Raised median walkways with landscaped buffers.

**E. CENTENNIAL AIRPORT ENVIRONS PLANNING AREA DEVELOPMENT STANDARDS MAP**

The Centennial Airport Environs Planning Area Development Standards Map is available from the Planning Division.

**2-5.3. SBC-O, Strasburg Business/ Commercial Overlay District Regulations**

**A. SPECIFIC PURPOSE AND INTENT**

1. The Strasburg Business/ Commercial Zoning Overlay District is intended to provide development opportunities within original Strasburg for a mix of community-serving and visitor-serving retail, office, business service, civic/ public, and residential uses consistent with the Strasburg Sub-Area Plan of the Arapahoe County Comprehensive Plan as adopted in May of 2002. It is the County's intent with this overlay zoning to encourage the continuing evolution, maturation and redevelopment of the Strasburg Business/ Commercial Downtown geographic area, consistent with the adopted Strasburg Sub-Area Plan.
2. The overlay is intended to apply to the properties created with the 1910 Map of Strasburg south of Colfax Avenue, the town's traditional and original business/ commercial center. District standards are intended to recognize the existing mix of uses, absence of building setbacks from property lines, the use of public street parking due to limited on-site parking and landscaping, and to encourage new development and redevelopment compatible with and respectful of the existing building scale and small town character of the community.

3. The Business/ Commercial character of Downtown Strasburg is primarily defined by the following site and building design features:
  - a. Building fronts and principal entries oriented toward the streets;
  - b. Principal buildings built right up to the front, side and rear property lines;
  - c. A high percentage of building lot coverage;
  - d. Little or no off-street parking at the front of the buildings;
  - e. Vehicle and parking access from alleys;
  - f. A maximum building height of two stories;
  - g. Ground floor windows;
  - h. Flush or recessed front door entries;
  - i. Buildings primarily of wood-frame construction; and
  - j. Simple and functional building design and little building ornamentation.The Town Center is a low intensity mixed-use and business commercial land use with existing and limited detached single-family and multi-family dwellings.

**B. LOCATIONAL CRITERIA**

1. The Business/ Commercial Overlay District applies only to the Map of Strasburg land area, the excluded one-half of original Block 3, and the unplatted lots east of Wagner Street and south of Colfax Avenue. A map of the overlay area is included as Figure 2-5.3-1. The area is constrained by the past transfer of all or portions of the old town lots by separate deeds, limited or non-existent public street and alley improvements beyond street paving, and the constraints of Colfax Avenue/ State Highway 36 on the north and the Union Pacific Railroad right-of-way on the south.
2. The Business/Commercial Overlay District is located within the designated Growth Area Boundary for the Town of Strasburg. The overlay is consistent with the intent and policies within the Strasburg Sub-Area Plan. The nature and location of the overlay and the allowed uses will not create or exacerbate commercial strip development patterns along Colfax Avenue in the Town of Strasburg based on the original 1961 zoning of the area and the land development patterns in the area since 1910.
3. Notwithstanding the purpose and intent of the overlay, nothing herein shall prohibit any property owner from making application for a Mixed Use – Planned Unit Development on any property located within the overlay area.

**C. EFFECT OF THE INTERNATIONAL BUILDING CODE REQUIREMENTS**

The International Building Code (IBC) and its amendments shall apply to all new construction within the overlay area. Building separations, ratings of exterior walls and permitted openings will comply with the requirements of the IBC regardless of original Strasburg property lines.

**D. DEVELOPMENT STANDARDS**

The following maximum and minimum development standards shall apply:

1. Maximum building and structure height – 35 feet
2. Minimum unobstructed open space for attached and/ or multi-family dwelling units – 30 percent
3. Minimum unobstructed open space for business, commercial, retail and industrial uses - none
4. Minimum building and structure setbacks from property lines for non-residential uses:
  - a. Front/ street – None
  - b. Street side (siding onto a public street) – None
  - c. Interior side – As allowed by the International Building Code (IBC) for occupancy
5. Minimum parking setback from property lines for non-residential uses – None
6. Minimum building and structure setbacks from property lines for residential uses:

- a. Front/ street – 10 feet
- b. Street side (siding onto a public street) – 10 feet
- c. Interior side and rear lot line – As allowed by the International Residential Code (IRC) for occupancy.

**E. ON AND OFF-SITE PARKING REQUIRED**

On-site parking shall be provided as listed in the requirements of Parking Regulations in this Land Development Code. On-street parking spaces on the frontage of the subject property shall be counted as part of the minimum on-site parking requirement. Upon written request, the Planning Division Manager may consider parking reduction requests and alternative means of meeting on-site parking requirements.

**F. OPERATIONAL AND PERFORMANCE STANDARDS**

All existing uses within the boundaries of the overlay district in operation on December 16, 2008 shall be exempt from use specific operational and performance standards until such time as the use and/ or property is expanded up to or beyond 50 percent of the gross building area of the existing main structure or a second-story building addition regardless of size or building area is proposed. The 50 percent addition will include incremental additions to buildings that total 50 percent or more. Structural alterations and maintenance within the existing building or structure envelope will not require compliance with the new operational and performance standards, but must comply with the requirements of the International Building Codes (IBC).

**G. CHANGE OF USE**

Any change of use after December 16, 2008 shall comply to the maximum extent possible with the zoning, operational, and performance standards listed above whenever a building permit is required.

**H. PLANNED UNIT DEVELOPMENT REGULATIONS SHALL APPLY**

In the case of any conflicts as to uses regulated under an approved Planned Unit Development (PUD), and the above use and performance specific requirements, the regulations in the approved PUD shall apply.

**I. OTHER REQUIREMENTS**

Unless specifically listed above, all other requirements of the Arapahoe County Land Development Code shall apply to new construction and development within this overlay district. An Administrative Site Plan is required for new non-residential, mixed-use, multi-family, or single-family attached buildings or expansions exceeding the amount listed in F. above.

**J. SUBDIVISION OF LAND**

The owner of any unplatted property within the overlay area may at any time make application for a Plat or Subdivision Exemption of such property consistent with the requirements of this Land Development Code.

**K. STRASBURG BUSINESS/COMMERCIAL ZONING MAP**

The Strasburg Business/Commercial Zoning Map in this document is not to scale. A map to scale is available from the Planning Division.



Figure 2-5.3-1 Strasburg Business/Commercial Overlay Zoning Map

## 2-5.4. MRG-O, Mineral Resources and Geologic Hazard Areas

### A. GENERAL PROVISIONS

#### 1. Applicability

The following regulations pertain to mineral resources and geologic hazard areas which have been identified or as may be identified as such in the County Comprehensive Plan.

#### 2. Procedural Requirements

- a. Anyone proposing to begin development of a Mineral Resources or Geologic Hazard Area or development in an area of Mineral Resources or Geologic Hazards shall submit to the platting process as outlined in this LDC and shall further submit all of the evidence as required by the applicable Mineral Resources or Geologic Hazard regulations included in this section of the LDC. No person shall engage in any mineral resource development activity or develop in any area of Mineral Resources or Geologic Hazard Areas without approval of a Final Plat and/or General and Specific Development Plan, Location and Extent, or Use by Special Review Plan, whichever may be applicable.
- b. Hearings conducted for the purpose of approving development activities or development in areas of special interest shall be held in public following public notice of such hearings.
- c. Any development activity which is to take place in an area not currently zoned for such activities shall also submit to the rezoning procedures outlined in this LDC.

#### 3. Provisions

The provisions of this Section shall not apply to any nonconforming use existing prior to the date the area is identified or subjected to these Regulations, provided that when such nonconforming use shall be discontinued for six months or more or a nonconforming structure is damaged or destroyed to the extent of at least 50 percent of the appraised value, any reuse, reconstruction or replacement of such structure shall be deemed a new use and shall be subject to the provisions of these Regulations, unless the Board of County Commissioners grants an extension of time.

#### 4. Alterations

Any alteration, addition or repair to any nonconforming structure or significant change in land use permitted pursuant to various sections of this regulation shall be designed to minimize, mitigate or avoid the significant adverse impact of specific hazards or specific resource utilization.

#### 5. Additional Regulations

Additional regulations regarding nonconforming uses may be further delineated in specific mineral resources and geologic hazard areas to follow.

### B. RELATIONSHIP TO OTHER REQUIREMENTS

1. Nothing in these regulations shall be construed as exempting an applicant from any other requirements of Arapahoe County or other state or federal laws and regulations.
2. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

### C. MINERAL RESOURCE AREAS

#### 1. Purpose and Intent

The purpose and intent of the regulations contained in this section shall be to:



- a. Protect and administer mineral resource areas in such a manner as to permit the extraction and exploration of minerals therefrom, unless extraction and exploration would cause significant danger to public health and safety.
  - b. Permit development in mineral resource areas which will not interfere with the extraction and exploration of minerals.
  - c. Give preference to existing or requested uses other than mineral extraction if the economic value of the minerals present is of less value than those of other uses.
  - d. Administer areas containing sand, gravel, quarried rock, aggregate or limestone used for construction purposes according to §34-1-301, et seq., C.R.S. as amended.
  - e. Administer areas containing coal, oil and natural gas deposits.
  - f. Accomplish extraction and exploration of minerals from any area in a manner which causes the least practicable environmental disturbance and reclaim such surface areas disturbed thereby in accordance with the provisions of §34-32-101, et seq., or §34-40-101, et seq., C.R.S. as amended, whichever is applicable.
  - g. Prevent landslides, floods or erosion due to mineral extraction operations.
  - h. Preserve access to and extraction of mineral resources according to a rational plan for extraction of such resources.
  - i. Provide, during the mining process and after the mining operations have been completed, for the reclamation of land subjected to surface disturbance by mining and thereby conserve natural resources, aid in the protection of wildlife, aquatic, historic and archaeological resources and establish recreational, residential and industrial sites.
  - j. Extract commercial mineral deposits according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the environment and quality of life of the citizens of Arapahoe County.
  - k. Protect and perpetuate the taxable value of property.
  - l. Protect and promote the health, safety and general welfare of the people of Arapahoe County.
- 2. Permitted Uses in Identified Mineral Resource Areas**
- a. Agricultural uses such as general farming, grazing, truck farming, forestry, sod farming and wild crop harvesting.
  - b. Public and private recreational uses requiring only accessory, but not permanent structures such as parks, natural swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges and hunting, fishing and hiking areas.
- 3. Prohibited Uses in Identified Mineral Resource Areas**
- a. No use shall be allowed which would interfere with the present or future extraction of such deposits by an operator, provided that uses may be allowed which do not permit erection of permanent structures upon or otherwise permanently preclude the extraction of commercial mineral deposits by an operator from land subject to said uses, unless such is allowed by approval of the Board of County Commissioners.
  - b. Uses which create a significant impact on the surrounding area, unless mitigated pursuant to Section 2-5.4.C.3.c, below.
  - c. Land uses which will create a significant impact on the surrounding area and which are generally prohibited in an identified mineral resource area may be allowed if it is determined that those impacts will be alleviated through the use of mitigation techniques. These include but are not limited to:
    - i. Measures which will lessen potential dangers to health, safety, economy or resources to an acceptable level.

- ii. Measures which will offset increased costs of providing any governmental services.
- iii. Measures which will insure that air and water pollution resulting from development will meet applicable federal and state standards.
- iv. Measures which will restrict noise and/or obnoxious odors to within the development.
- v. Measures which will prevent hazardous traffic patterns resulting from development of the site.
- d. To the extent that a proposed use is not covered by Section 2-5.4.C.3.c above, the provisions of 34-1-301 et seq., C.R.S. as amended or 34-32-101 et seq., C.R.S. as amended, shall apply.

**4. Description of Identified Mineral Resource Areas**

- a. Arapahoe County hereby declares that the areas identified or to be identified, upon application for development within these areas, shall be subject to these Mineral Resource Regulations.
- b. One copy of all maps of identified mineral resource areas in unincorporated Arapahoe County shall be sent to the Colorado Geological Survey.

**D. GEOLOGIC HAZARD AREAS**

**1. Purpose and Intent**

The purpose and intent of this section is:

- a. To minimize significant hazards to public health, safety or property in an identified geologic hazard area.
- b. To promote safe use of geologic hazard areas.
- c. To reduce the impact of geologic hazards on life and property by:
  - i. Prohibit certain land uses that are dangerous to life or property in geologic hazard areas.
  - ii. Restrict the land uses that would be hazardous to the public health, safety or property in geologic hazard areas.
  - iii. Restrict the land uses that are particularly vulnerable to geologic hazards so as to reduce the demands for public expenditures for relief and protection.
  - iv. Require land uses permitted in geologic hazard areas, including public facilities which serve such uses, to be protected from geologic hazards by providing for investigation and avoidance or mitigation of such hazard impacts at the time of initial construction.
  - v. Protect geologic hazard area occupants or users from the impacts of geologic hazards by regulating the area or manner in which structures designed for human occupancy may be constructed so as to prevent danger to human life or property.
  - vi. Protect geologic hazard area occupants or users from the impacts of geologic hazards by identifying, delineating and describing areas that could be adversely affected by geologic hazards so as to protect individuals from purchasing or improperly utilizing lands for purposes which are dangerous to human life or property.
  - vii. Protect the public from the burden of excessive financial expenditures from the impacts of geologic hazards and relief by:
    - (a) Regulating land uses within geologic hazard areas so as to produce a pattern of development of a soundly engineered manner of construction which will

minimize the intensity and/or probability of damage to property and loss of life or injury to the inhabitants or users of geologic hazard areas.

- (b) Regulating the cutting, filling or drainage changes and other man-made changes which could initiate or intensify adverse conditions within geologic hazard areas.
- (c) Encouraging non-conflicting uses such as agriculture, grazing, greenbelt, open space and recreation within geologic hazard areas.

**2. Permitted Uses in Identified Geologic Hazard Areas**

The following uses shall be permitted within identified geologic hazard areas unless they are prohibited in a particular area by these Regulations or other regulations. However, no such use shall be regarded as a use by right:

- a. Agricultural uses such as general farming, grazing, truck farming, forestry, sod farming and wild crop harvesting.
- b. Industrial or commercial uses such as loading areas, parking areas not requiring extensive grading or impervious paving, and storage yards for equipment or machinery easily moved or not subject to geologic hazard damage.
- c. Public and/or private recreational uses not requiring permanent structures designed for human habitation such as parks, natural swimming areas, golf courses, picnic grounds, driving ranges, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, and hunting, fishing and hiking areas, if such uses do not cause concentrations of people in areas during periods of high hazard probability.

**3. Prohibited Uses in Identified Geologic Hazard Areas**

- a. Land uses which are dangerous to life or property in identified areas of geologic hazard.
- b. Any type of development in an identified area of moderate and/or extreme expansive soil potential, unless mitigation techniques are incorporated into the design of the proposed development.

**4. Conditional Uses in Identified Geologic Hazard Areas**

- a. Land uses which are generally prohibited in an identified area of moderate and/or extreme expansive soil potential may be permitted if the following mitigation techniques are carried out.
- b. Mitigation techniques shall correct adverse conditions within moderate and/or extreme expansive soil and rock areas through engineered design and construction. These methods should include:
  - i. Engineered foundation design.
  - ii. Planned site drainage or moisture control.
  - iii. Landscaping to enhance drainage.
  - iv. Proper interior construction design.

**5. Description of Identified or Regulated Geologic Hazard Areas**

Arapahoe County hereby declares that the areas identified or to be identified as Geologic Hazard Areas, upon application for development within these areas, shall be subject to these Geologic Hazard Regulations.

## 2-6 PUD, PLANNED UNIT DEVELOPMENT

### 2-6.1. General Purposes

- A. This district replaces those districts designated as R-PSF (Residential PUD-Single Family), R-PM (Residential PUD – Moderate Density), R-PH (Residential PUD – High Density), SH (Senior Housing), MU (Mixed Use), C (Cultural) prior to April 1, 2017. In each case, land included in these previous zone districts is subject to an approved development plan, and all lands will remain subject to the provisions of the adopted development plan for the property until they are amended. Amendments to approved development plans in each of the six previous zone districts will be processed pursuant to Section 5-2.3.
- B. In addition, this district is intended to accommodate future development that cannot be accommodated in any LDC zone district or combination of zone districts and in which any flexibility granted to allow innovative development patterns beyond that permitted by this LDC is accompanied by additional amenities or design quality beyond that required for similar types of development, land use, or buildings under, Chapter 4: Development Guidelines and Standards.

### 2-6.2. Specific Purposes

- A. **PURPOSE FOR LANDS PREVIOUSLY DESIGNATED R-PSF (RESIDENTIAL PUD-SINGLE FAMILY)**  
Lands previously designated R-PSF are intended to provide for areas in unincorporated Arapahoe County which are suitable for low density residential development, and to provide a detailed review of how these developments provide essential services (water and sanitation, schools, parks and recreation, fire and police protection, etc.).
- B. **PURPOSE FOR LANDS PREVIOUSLY DESIGNATED R-PM (RESIDENTIAL PUD-MODERATE DENSITY)**  
Lands previously designated R-PM are intended to provide for areas in unincorporated Arapahoe County which are suitable for moderate density residential development, and to provide a more detailed review of how these developments provide essential services (water and sanitation, schools, parks and recreation, fire and police protection, mass transit, etc.).
- C. **PURPOSE FOR LANDS PREVIOUSLY DESIGNATED R-PH (RESIDENTIAL PUD – HIGH DENSITY)**  
Lands previously designated R-PH are intended to provide for areas within unincorporated Arapahoe County which are suitable for high density residential development, and to provide a detailed review of how these developments address issues such as affordable housing opportunities, mass transit links with employment centers, proximity to adequate recreational facilities, etc., and how these developments provide essential services (water and sanitation, schools, fire and police protection, etc.).
- D. **PURPOSE FOR LANDS PREVIOUSLY DESIGNATED SH (SENIOR HOUSING)**  
Lands previously designated SH are intended to provide for areas which are suitable for the construction of senior housing residences and facilities within unincorporated Arapahoe County.
- E. **PURPOSE FOR LANDS PREVIOUSLY DESIGNATED MU (MIXED USE)**  
Lands previously designated MU are intended to provide for mixed use development proposals in the unincorporated areas of Arapahoe County.
- F. **PURPOSE FOR LANDS PREVIOUSLY DESIGNATED C (CULTURAL)**  
Lands previously designated C are intended to provide areas in the unincorporated portions of Arapahoe County which are devoted to cultural facilities for the use and enjoyment of the County's residents.

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## Chapter 3: Permitted Uses

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### Commentary:

- Throughout the draft there are footnotes that identify any changes from the current LDC, or further commentary related to that particular provision. Some footnotes are marked “STAFF:” and require resolution prior to the public draft.

### 3-1 GENERAL

The permitted uses, uses allowed by special review, and uses allowed by special exception are indicated in Table 3-2.1 below. Additional uses of property or restrictions on the use of property may be contained in the description of the conventional zoning district in Chapter 2 of this LDC or in an Overlay zoning district applicable to the property. If the property is located in a PUD zoning district, the permitted uses and any conditions on those permitted uses are contained in the rezoning ordinance and related documents for that property on file with the Planning Division.

#### 3-1.1. Table Legend

- A “P” in a cell of the Permitted Use Table indicates that the use is permitted by-right in that zoning district, subject to compliance with any Use-Specific Standards listed in the right-hand column of that line of the table.
- An “SR” in a cell of the Permitted Use Table indicates that the use is permitted only after the applicant obtains a “Use by Special Review” approval from the BOCC pursuant to Section 5-3.4, Use by Special Review, or Section 5-3.5, Use by Special Review – Energy Facilities, and the use is subject to any Use-Specific Standards listed in the right-hand column of that line of the table.
- An “SE” in a cell of the Permitted Use Table indicates that the use is permitted only after the applicant obtains a “Special Exception Use” approval from the Board of Adjustment pursuant to Section 5-5.1, Special Exception Use, and the use is subject to any Use-Specific Standards listed in the right-hand column of that line of the table.
- An “A” in a cell of the Permitted Use Table indicates that the use is permitted as an accessory use only in support of a permitted or approved Use by Special Review or Special Exception Use on the site. An accessory use serves a purpose customarily incidental to the principal use and is not permitted unless and until the principal permitted use is established on the property.
- A “T” in a cell of the Permitted Use Table indicates that the use is permitted as a temporary use, subject to additional requirements set forth in Section 5-5.2, Temporary Structures and Section 5-5.3, Temporary Use Permits.
- A blank cell in the Permitted Use Table indicates that the use is not permitted in that zoning district.

#### 3-1.2. Unlisted Uses

##### A. EXCLUSION OF USES

Uses not specifically listed in the Permitted Use Table or reasonably similar to those uses listed in any particular zone district shall be deemed excluded from the particular zone district. Uses listed in a particular zone district shall be deemed to be excluded from any other zone district, unless such use is specifically listed in the other zone district.

**B. INCLUSION OF A USE NOT LISTED**

1. Uses not listed in the Permitted Use Table may be interpreted for inclusion in a specific zone district, except the F (Floodplain) zone district, by the Zoning Administrator when such use is reasonably similar to those uses listed, is similar in character to permitted uses in the zone district and is in conformance with the intent of the particular zone district.
2. Similar temporary uses not listed in the Permitted Use Table may be interpreted for inclusion in a specific zone district by the Zoning Administrator when such use is compatible with the zone district and surrounding land uses.
3. Uses not specifically listed in the F district may be permitted if, in the opinion of the Floodplain Administrator, they are similar in character to permitted uses in this district, and are in conformance with the intent of this district.

**3-1.3. Use for Other Purposes Prohibited<sup>1</sup>**

- A. Approval of a use listed in Table 3-2.1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed Table 3-2.1 and approved pursuant to this Code is prohibited.
- B. Any use allowed as a principal use in a zoning district is allowed as an accessory use to an allowed or approved conditional use in that zoning district.
- C. Any use or structure that is customarily appurtenant to the permitted use is allowed as an accessory use in all zone districts.

**3-1.4. Additional Use Standards in Planned Unit Developments<sup>2</sup>**

The following standards apply to Planned Unit Developments approved prior to April 1, 2017:

- A. R-PSF Zone District: Any combination of single-family detached and single-family attached dwelling unit is permitted
- B. R-PM and R-PH Zone District: Any combination of single-family detached, single-family attached and multi-family dwelling unit is permitted.
- C. MU Zone District: Any combination of commercial, industrial, or residential uses permitted by an approved Preliminary Development Plan.
- D. The Permitted and Special Review uses are established by previously approved PUDs, including R-PSF, R-PM, R-PH, SH, MU and C. All existing PUDs with these zone district designations will continue to be governed by the existing approved PUD Preliminary and Final Development Plans. Temporary Uses listed in the Table may be permitted in non-residential portions of a PUD with an approved Temporary Use Permit. Temporary uses in residential portions of a PUD are allowed as shown in the Table with an approved Temporary Use Permit.<sup>3</sup>

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<sup>1</sup> New section. Includes provision currently included as a line item in the Use Table related to accessory uses/structures customarily appurtenant to the permitted use.

<sup>2</sup> Current Section 3-3.2.B. **STAFF:** Since the R-PSF, R-PM, R-PH, and MU have been replaced with the general PUD district, can this provision be deleted?

<sup>3</sup> Carried forward current Table Note [2] in Permitted Use Table.

### 3-1.5. All Licenses and Permits Required<sup>4</sup>

- A. All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit in effect at all times, and failure to do so is a violation of this Code.
- B. All uses subject to the operational standards of a local, state, or federal government agency, including without limitation the regulations contained in the Colorado Department of Health, shall operate in compliance with those standards and regulations at all times, and failure to do so is a violation of this Code.

## 3-2 PERMITTED USE TABLE

### Commentary:

The table below includes color coding as follows:

- Black font indicates that the use is permitted or requires Special Exception/Review approval in the same zone districts where that is true under the current Code.
- Green font entries in the left-hand column indicate new uses that have been added.
- Green highlighted entries in the right-hand column indicate that new use-specific standards have been added.
- Green font entries in individual cells indicate uses that would be easier to obtain in at least one of the included zone districts. Green font could indicate that the use was previously not available in one or more of the included zone districts, but is now available; or it could indicate that the use currently requires Special Exception or Special Review approval but would become an allowed use in the future.
- Red font entries indicate that the use would be harder to obtain (for example, it is currently an allowed use, but is recommended to become a Special Exception in that zone district), or the use would not be available in that zone district.

See Table 3-2.1 below.<sup>5</sup>

The Airport Influence Area (AIA-O), Centennial Airport Environs Planning Area (CAE –O) and the Mineral Resources and Geologic Hazard Area (MRG-O) Overlay Districts are not included in the Table. These overlay districts impose restrictions and other requirements on uses. Applicants proposing development in areas affected by these overlay districts will need to consult the applicable subsections of Section 2-5, Overlay Districts, for these restrictions and additional requirements.<sup>6</sup>

<sup>4</sup> New. Individual references to requirements for licenses and permits for specific types of activities were deleted in the definitions and use-specific standards related to those activities.

<sup>5</sup> The subcategories within the Commercial and Industrial use category in the table have been reorganized in alphabetical order.

<sup>6</sup> Table Note [1] from the Use Table deleted because it repeated this information.



Chapter 3: Permitted Uses  
3-2: Permitted Use Table

TABLE 3-2.1 PERMITTED USE TABLE																							
P = Permitted, A = Accessory, SR = Use by Special Review, SE = Use by Special Exception, T= Temporary Use/Temporary Use Permit Required, Blank = Not Permitted																							
	Agriculture and Residential <sup>11</sup>										Mixed-Use <sup>7</sup>						PUD Districts (See Section 3-1.4)	Overlay	Use Specific Standard				
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F(1)	O	PUD	SBC-O <sup>8</sup>	Code Section
<b>Residential Uses</b>																							
<b>Household Living<sup>9</sup></b>																							
Accessory Dwelling Unit (ADU) <sup>10</sup>	SE	SE	SE	SE	SE												SE	SE			Per Approved General, Specific, Preliminary or Final Development Plan		3-3.1.B
Backyard Bees or Chickens					A	A	A	A	A	A	A										A		3-3.1.C
Dwelling, Live/Work <sup>11</sup>												P	P	P	P								3-3.1.D
Dwelling, Manufactured Home	P	P	P								P												3-3.1.E
Dwelling, Mobile Home <sup>12</sup>											P												3-3.1.E
Dwelling, Multifamily <sup>13</sup>												P	P	P	P						Per Approved General, Specific, Preliminary or Final Development Plan	P	3-3.1.F
Dwelling, Single-Family Attached <sup>14</sup>										P	P	P	P	P	P							P	3-3.1.F
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	P	P	P											P	
Dwelling, Single-Family Detached Cluster							P	P	P	P	P											P	

<sup>7</sup> Renamed from Non-Residential Districts to reflect the recommended addition of attached and multifamily dwellings to the B districts. **STAFF:** If you agree with this change, we recommend changing all references to Nonresidential Districts to Mixed-Use Districts throughout the LDC.

<sup>8</sup> The SBC-O use allowances were carried forward with no changes unless otherwise noted. **STAFF:** Do the use allowances in this overlay district need further updates?

<sup>9</sup> Reformatted all terms to read, "Dwelling, [Type]"

<sup>10</sup> Combined Mother-In-Law Apartment, Residence Required for Caretaker or Night Watchman Employee by the Premises, and Ranch Hand/Agricultural Worker Housing. Both uses are currently prohibited in the I districts. Use-specific standards clarify that detached ADUs are allowed in the A-E, A-1, RR-A, I-1 and I-2 districts, however we recommend allowing detached ADUs in all districts where ADUs are permitted.

<sup>11</sup> New use.

<sup>12</sup> **STAFF:** Are there any existing mobile homes (structures that do not comply with HUD standards) in the County? If not, we recommend deleting it. In addition, the current code includes a definition for Manufactured Home Park or Subdivision, but no use. Does the County have or anticipate that use, and if so do you want us to add it as a P use in the R-M district?

<sup>13</sup> Currently prohibited in the B and I districts. Removed requirement for new multifamily development to go through PUD process. Table note with allowance for stacked multi-family units, including second-story multi-family units above office and retail uses, was deleted from the title and added to definition.

<sup>14</sup> Currently prohibited in the B and I districts. Deleted "Other Than Two-Family or Townhome" from the title and added to definition. Table note with allowance for stacked multi-family units, including second-story multi-family units above office and retail uses was deleted and added to definition.

Chapter 3: Permitted Uses  
3-2: Permitted Use Table

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	Agriculture and Residential <sup>[1]</sup>										Mixed-Use <sup>7</sup>					PUD Districts (See Section 3-1.4)	Overlay	Use Specific Standard					
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F <sup>[1]</sup>	O	PUD	SBC-O <sup>8</sup>	Code Section
Dwelling, Townhome <sup>15</sup>											P	P	P	P	P						P		3-3.1.F
Dwelling, Two-Family <sup>16</sup>										P	P	P	P	P	P						P		
Temporary Residence <sup>17</sup>	T	T	T																				
Home Occupation, Day Care	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE	A/SE					A/SE			3-3.1.G.1
Home Occupation, Other <sup>18</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					SE			3-3.1.G.2
Marijuana, Non-commercial Use	See Sections 3-3.4.Q.2 and 3-3.4.Q.3										See Sections 3-3.4.Q.2 and 3-3.4.Q.3					See Sections 3-3.4.Q.2 and 3-3.4.Q.3					3-3.4.Q		
Pets <sup>19</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A			3-3.1.H
Temporary Residential Sales or Leasing Office <sup>20</sup>	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			T			3-3.6.A
Group Living <sup>21</sup>																							
Assisted Living Residence <sup>22</sup>										P	P	P	P	P	P								
Boarding House <sup>23</sup>										P	P												
Group Home – FHA Small <sup>24</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	P		3-3.1.I
Group Home – FHA Large	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						P		3-3.1.I
Group Residential Facility <sup>25</sup>	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR						SR		3-3.1.J
Nursing Home <sup>26</sup>												P	P	P	P								

<sup>15</sup> Currently prohibited in the B and I districts. Table note with allowance for stacked multi-family units, including second-story multi-family units above office and retail uses was deleted and added to definition.

<sup>16</sup> Currently prohibited in the B and I districts. **STAFF:** Many newer codes are allowing duplex, triplex, and fourplex dwellings in low-density residential districts – either by right or as conditional uses – to promote affordable housing. We suggested something like that in our original draft of the new residential districts, but do not know how much of that idea the BOCC finally adopted. Do you want to add any of these uses to some of the R districts?

<sup>17</sup> **STAFF:** How is Temporary Residence defined? Most communities do not have a separate category for temporary dwelling unit, simply because it is difficult to enforce removal after the permit time has expired.

<sup>18</sup> Currently prohibited in the B districts. Increasingly, codes allows home occupations in their mixed-use districts in multifamily buildings.

<sup>19</sup> Expanded allowances into B and I districts to align with changes to dwelling unit allowances.

<sup>20</sup> Currently prohibited in all zoning districts excluding the R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, R-2-B, and PUD districts. Expanded to include residential leasing and to any zoning district with any type of residential dwelling as a permitted use.

<sup>21</sup> Replaced Type A group homes with small and large group homes per FHA. Small Group Homes are limited to a maximum of eight residents (see new definitions). Both types of group home are currently prohibited in the B and I districts – allowances expanded to align with expansions to multifamily, single-family attached, townhome, and two-family dwellings. Type A Group Homes are currently prohibited in the SBC-O district, but all group homes (whether licensed or not) must be treated the same.

<sup>22</sup> Existing use included in the parking table now added to Table of Permitted Uses.

<sup>23</sup> Existing use included in the parking table now added to Table of Permitted Uses.

<sup>24</sup> Added to PUD to avoid any assumption that PUDs with residential uses can prohibit this use. **STAFF:** It is a bit unusual to not list Hospital use, but we suspect that the County may want those to get annexed to a city. Let us know if you want to add Hospital as a Civic use – in which case we would suggest it be an SR use in the B-5 district, or whether we should leave it out.

<sup>25</sup> New use to replace Type B Group Homes.

<sup>26</sup> Existing use included in the parking table now added to Table of Permitted Uses.

Chapter 3: Permitted Uses  
3-2: Permitted Use Table

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	Agriculture and Residential <sup>[1]</sup>										Mixed-Use <sup>7</sup>						PUD Districts (See Section 3-1.4)	Overlay	Use Specific Standard					
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F <sup>(1)</sup>	O	PUD	SBC-O <sup>8</sup>	Code Section	
																					Preliminary or Final Development Plan			
Civic, Cultural, and Public Uses <sup>27</sup>																								
Art Gallery, Library or Museum <sup>28</sup>	SE	SE											P	P	P	P					Per Approved General, Specific, Preliminary, or Final Development Plan		3-3.2.A	
Cemetery																			P					
Club or Clubhouse <sup>29</sup>	SR	SR											P	P	P	P								
Community Event and Conference Center	SR	SR											P	P	P	P	P	P		SR				
Day Care Centers, Adult or Child <sup>30</sup>													P	P	P	P	P	P			SR		3-3.2.B	
Other Outdoor Entertainment and Assembly Event <sup>31</sup>	T	T	T										T	T	T	T							3-3.6.B	
Outdoor Circus, Fair or Carnival	T/SE	T/SE	T/SE										T/SE	T/SE	T/SE	T/SE	SE				Per Approved General, Specific, Preliminary, or Final Development Plan		3-3.6.C	
Outdoor Stadium or Assembly Venue <sup>32</sup>														SR	SR									
Parks and Open Space <sup>33</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Quasi-Public Use <sup>34</sup>	SR	SR	SR	SR	SR	SR	SR	SR	SR	SE	SE	SR	P	P	P	P	SE	SE			SR			
Agriculture and Animal Services <sup>35</sup>																								
Agricultural or Ranch Use <sup>36</sup>	P	P	P	A																P	P			3-3.3.A

<sup>27</sup> Deleted Farm and Gardening Classes and integrated into definition of Agricultural or Ranch Use.  
<sup>28</sup> New use. Removed Farm Museum as a separate definition. Use-specific standards added to clarify museums in the A-E and A-1 district must be related to agricultural interest or activities.  
<sup>29</sup> New use, definition includes Hunting Club.  
<sup>30</sup> Renamed to clarify adult and child day care services are included.  
<sup>31</sup> Combined Outdoor Entertainment and Outdoor Assembly Events, Outdoor Sporting or Athletic Events, and Arts, Cultural, Educational, and Other Similar Exhibits and Displays, which are allowed in the same zone districts. **STAFF:** Should Other Outdoor Entertainment and Assembly Events be an allowed temporary use in PUDs?  
<sup>32</sup> New.  
<sup>33</sup> Consolidates Public Park, Nature Areas, Picnic Areas and Trails, Play Courts/Playground Equipment, and Trails and Paths Open to the General Public. Currently prohibited in all zoning districts except the O district.  
<sup>34</sup> Currently requires a Special Review in R-2-A, R-2-B, the B districts, and the I districts.  
<sup>35</sup> Deleted Temporary Residence. **STAFF:** See question in footnote for Temporary Residence in Household Living above. Deleted Office Incidental to the Operation of the Permitted Use.  
<sup>36</sup> New definition to consolidate Agricultural or Ranch Use, Shelter for Agricultural Implements and Tools Used to Maintain Premises, Office Incidental to the Operation of the Permitted Use, Animal Assisted Therapy Activities, Farm or Ranch Animal Center, and Seasonal Farming or Ranching Events. **STAFF:** Rodeo is currently an example of a seasonal Farming or Ranching Event that is proposed to be integrated as an accessory use to Agriculture and Ranch Use. Since it may have greater impacts than a standard accessory agricultural use, should Rodeo be consolidated into the Outdoor Recreation use, or included in the definition of the Agri-tainment use, or maintained as a stand-alone use?

Chapter 3: Permitted Uses  
3-2: Permitted Use Table

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	Agriculture and Residential <sup>[1]</sup>										Mixed-Use <sup>7</sup>						PUD Districts (See Section 3-1.4)	Overlay	Use Specific Standard					
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F <sup>[1]</sup>	O	PUD	SBC-O <sup>8</sup>	Code Section	
Agri-tainment <sup>37</sup>	SR	SR																			Per Approved General, Specific, Preliminary or Final Development Plan			
Animal Day Care Facility	P	SE	SE									P	P	P	P	P	P							3-3.3.B
Animal Hospital and Veterinary Clinic	SE	SE	SE									P	P	P	P	P	P					P		3-3.3.C
Commercial Feed Lot	SE																							3-3.3.D
Community Garden <sup>38</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				3-3.3.E
Kennel	SE	SE	SE																					3-3.3.F
Nursery or Greenhouse <sup>39</sup>	P	P	A	A										P	P	P								3-3.3.G
Roadside Sales Stands <sup>40</sup>	A	A	A	T	T	T	T	T	T	T	T	T	T	T	T									3-3.3.D
Stable or Riding Academy <sup>41</sup>	P	P	P	A																P		SE		3-3.3.H
Urban Agriculture <sup>42</sup>				P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				3-3.3.I
Wildlife Sanctuary <sup>43</sup>	SR																			SR				
Commercial and Industrial <sup>44</sup>																								
Aircraft <sup>45</sup>																								
Airport																					SE		3-3.4.A	
Helipad <sup>46</sup>												SE	SE	SE	SE	SE	SE			SE			3-3.4.A	
Landing Strip for Private Aircraft <sup>47</sup>	SE	SE																		SE				
Automotive and Parking <sup>48</sup>																								

<sup>37</sup> Relocated from Recreation Uses. **STAFF**: Some of the uses listed within the definition of Agri-tainment overlap with separate uses listed in the Use Table (e.g. Bed and breakfast, Community Event and Conference Center, Farmers' Market, etc.). How do you determine when an application is considered Agri-tainment? If a Bed and Breakfast is considered Agri-tainment, would the application be reviewed against the use-specific standards for Bed and Breakfasts? See question about Rodeo use above.

<sup>38</sup> Updated table to include permissions for each zoning district.

<sup>39</sup> Consolidated Flower Farms, Greenhouses, Wholesale or Retail, and Greenhouses, Non-Commercial, Exceeding Accessory Structure Limits. Flower Farms are currently prohibited in the RR-A, RR-B, B-4, B-5 and I-1 districts. Wholesale or Retail Greenhouses are currently prohibited in the RR-A and RR-B districts. Non-Commercial Greenhouses are currently prohibited in the B-4, B-5 and I-1 districts. A use-specific standard was added to allow for accessory greenhouses to exceed accessory structure limits by up to 50%.

<sup>40</sup> Consolidated with Produce Stands. Currently prohibited in all districts excluding A-E, A-1, and RR-A. Use-specific standards updated to limit sales period to two weeks for all districts excluding A-E, A-1, and RR-A.

<sup>41</sup> Consolidated Stable, Riding Academy – Public or Commercial Riding, and Stable – Private Riding. Private Riding Stables are currently prohibited in the F and O districts. Public or Commercial Stables are not currently allowed as an accessory use in the RR-B zoning district. Deleted table note “Provided that no permanent structure or shelter is located within the floodplain” and added to the use-specific standards.

<sup>42</sup> New use to accommodate small-scale agricultural activities.

<sup>43</sup> Relocated from Recreational Uses.

<sup>44</sup> Deleted Office as use subcategory. Office now included in Retail and Commercial Service.

<sup>45</sup> Renamed from Transportation.

<sup>46</sup> **STAFF**: it is very unusual to have helipads allowed in low intensity business districts. They are often limited to the most intensive business district and/or industrial districts. Is there a reason the Board would approve these in the B-1, B-3, or B-4 districts.

<sup>47</sup> Deleted “and/or Aircraft-Related Recreational Facilities” and integrated into definition.

<sup>48</sup> Deleted Parking Lot or Structure, Accessory, Parking Lot, Accessory to Park or Public Facility, and Parking, Temporary.

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3-2: Permitted Use Table

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	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F <sup>[1]</sup>	O	PUD	SBC-O <sup>8</sup>	Code Section	
Auto Service Station or Car Wash <sup>49</sup>													P	P	P	P	P				Per Approved General, Specific, Preliminary, or Final Development Plan	SR	3-3.4.B	
Parking Lot													P	P	P					SE				
Parking Structure													P	P	P					SE				
Vehicle Fleet Operations Center <sup>50</sup>																P	P							3-3.4.C
Vehicle Repair, Minor <sup>51</sup>													P	P	P	P	P						A	3-3.4.D
Vehicle Repair, Major														P	SR	P	P							3-3.4.D
Vehicle Sales or Rental, Light <sup>52</sup>													P	P	P	P	P						P	3-3.4.E
Vehicle Sales or Rental, Heavy <sup>53</sup>																	P	P				P	3-3.4.E	
<b>Contractors and Construction<sup>54</sup></b>																								
Contractor Shop or Yard <sup>55</sup>													P	P	P	P	P				Per Approved General, Specific, Preliminary, or Final Development Plan		3-3.4.F	
Temporary Concrete and/or Batching Plant <sup>56</sup>	SE	SE																						
Temporary Construction Yard or Office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				T	T	3-3.6.E	
<b>Industrial, Warehousing, and Mining<sup>57</sup></b>																								
Industry, Artisan <sup>58</sup>														P	P	P	P				Per Approved General, Specific,		3-3.4.G	
Industry, Light <sup>59</sup>	P/ SR	P/ SR											P		P	P						P	3-3.4.H	

<sup>49</sup> Consolidated Auto Service Station and Car Wash and/or Auto Detailing. Auto Service Stations are currently prohibited in the SBC-O district. **STAFF:** Does a use-specific standard limiting the SBC-O district to car washes only need to be added?

<sup>50</sup> New use to address emerging trends in shared mobility, autonomous vehicles, and distribution.

<sup>51</sup> Deleted Use Table Note [6], "Includes truck, farm equipment and implement sales/service and repair, including indoor auto and truck bodywork and painting." and added an "A" to the SBC-O district.

<sup>52</sup> Consolidated Auto Sales with or Without Minor Auto Repair as an Accessory Use and Vehicle Sales/Leasing/Rental. Auto Sales are currently prohibited in the I-1 district and Vehicle Sales/Leasing/Rental is currently prohibited in the B-1, I-1, and SBC-O districts.

<sup>53</sup> New use. Deleted Use Table Note [6] (referenced above) and added a "P" to the SBC-O district.

<sup>54</sup> Deleted Building/Landscape Material Sales Yard (consolidated with Outdoor Sales) and Specialty Trade Shop (consolidated with Light Manufacturing). Deleted Trades from the use subcategory.

<sup>55</sup> Consolidated the two Contractors uses, moved the examples listed in the term to the definition, and added use-specific standards prohibiting outdoor storage in the B-3 and B-5 districts.

<sup>56</sup> "With Materials Stockpiling" moved into definition.

<sup>57</sup> Removed reference to Manufacturing in use category title and added Mining (removed as a use subcategory.)

<sup>58</sup> New use.

<sup>59</sup> Consolidates Specialty Trade Shop, Manufacturing, Light, Manufacturing, Light – Commercial Bakery, Creamery, Bottling Plan, Processing, Packaging, and Selling of an Agricultural Commodity, and Repair, Rental and Servicing of Commodities Produced or Warehoused in Zone District. Only Manufacturing, Light currently allowed in the B-4 district and Manufacturing, Light –

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	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F <sup>[1]</sup>	O	PUD	SBC-O <sup>8</sup>	Code Section	
Industry, Heavy <sup>60</sup>	SE																	P			Preliminary, or Final Development Plan	P	3-3.4.H	
Mining and Extraction <sup>61</sup>	SR	SR																SR	SR				3-3.4.I	
Wholesale or Warehouse <sup>62</sup>															P	P	P	P						
Mini-Warehouse/Self-Storage															P	P	P	P						3-3.4.J
Outdoor Storage <sup>63</sup>	SE	SE															P	P						3-3.4.K
Slaughter House																			SR					
Storage Containers/Pods	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			T			3-3.6.F
<b>Recreation</b>																								
Motorsports Facility	SR																							3-3.4.L
Recreation, Indoor <sup>64</sup>													P	P	P	P	P	P			Per Approved General, Specific, Preliminary, or Final Development Plan	P		
Recreation, Outdoor <sup>65</sup>													P	P	SE	SE	P	SE	P	SE				3-3.4.M
Shooting Range, Outdoor	SR																							
<b>Restaurants, Bars and Hospitality</b>																								
Bar or Tavern														P	P	P	P					P		
Bed and Breakfast <sup>66</sup>	SE	SE																			Per Approved General, Specific,			3-3.4.N
Drive-Through Facility <sup>67</sup>													A	A	A	A	A							3-3.4.O

Commercial Bakery, Creamery, Bottling Plant allowed in the SBC-O district. Processing, Packaging, and Selling of an Agricultural Commodity with no On-Site Manufacturing is currently prohibited in the I districts. Repair, Rental, and Servicing of Commodities Produced or Warehouse in Zone District is currently prohibited in the A-E and A-1 districts. Use-specific standards added to limit processing, packaging, and selling to agricultural commodities and require Special Review for associated manufacturing in the A-E and A-1 districts.

<sup>60</sup> Consolidates Explosion Welding, Cladding, or Metallurgical Bonding of Metal or Other Similar Uses, Heavy Equipment Repair and Fabrication Conducted Indoors, and Manufacturing, Heavy. Explosion Welding, Cladding, or Metallurgical Bonding of Metal or Other Similar Uses currently prohibited in the I-2 district and Manufacturing, Heavy currently prohibited in the A-E district. Only Heavy Equipment Repair and Fabrication Conducted Indoors currently allowed in the SBC-O district. **STAFF:** Should a use-specific standard limiting heavy industry in the SBC-O district to heavy equipment repair and fabrication be added or should the newly consolidated use require SE or SR?

<sup>61</sup> Renamed from Mining, Quarry and Earth Extraction/Sand and Gravel Extraction.

<sup>62</sup> Consolidates Wholesale Business, Storage, or Warehousing and Showroom/Warehouse. Wholesale Business, Storage, or Warehousing is currently prohibited in the B-5 district and Showroom/Warehouse is currently prohibited in the SBC-O district. New definition includes ability to maintain showroom up to 10% of the gross floor area.

<sup>63</sup> New use.

<sup>64</sup> Consolidated Health Club and Recreation – Indoor. Indoor Recreation is currently prohibited in the B-1 district and Health Clubs are only allowed as accessory used in the I-2 district.

<sup>65</sup> Consolidated Amusement Park, Ballfields, Drive-In Theater, Go-Cart and Skateboard Tracks, and Drive Range, Miniature Golf and Par 3 Course, Golf Course and Country Club, Recreation – Outdoor including Recreational Clubs and Camps. Amusement Park, Drive-In Theater, Go-Cart and Skateboard Tracks, and Driving Ranges/Mini-Golf Courses are currently only allowed by SE in the O district. Ballfields are only allowed in the F district and all other Outdoor Recreation is prohibited in the B-1 district. Golf Courses and Country Clubs are currently only allowed in the F and O districts. Table note “Indoor uses are limited to 10% of site” deleted and moved to use-specific standards for the O district.

<sup>66</sup> **STAFF:** Should this be allowed in additional zoning districts?

<sup>67</sup> New accessory use.

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	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F <sup>(1)</sup>	O	PUD	SBC-O <sup>8</sup>	Code Section
Guest Ranch	SE																				Preliminary, or Final Development Plan	P	
Hotel/Motel <sup>68</sup>													P	P	P	P							
Microbrewery, Microdistillery, or Microwinery <sup>69</sup>													P	P	P	P							
Nightclub													P	P	P							P	
Restaurant <sup>70</sup>													P	P	P	P	P						3-3.4.P
<b>Retail and Commercial Service</b>																							
<b>Farmers' Market<sup>71</sup></b>	P	P	T										T	T	T	T						T	3-3.6.G
Marijuana, Commercial Uses	See Sections 3-3.4.Q.1 and 3-3.4.Q.2										See Sections 3-3.4.Q.1 and 3-3.4.Q.2				See Sections 3-3.4.Q.1 and 3-3.4.Q.2					3-3.4.Q.1 3-3.4.Q.2			
Office <sup>72</sup>													P	P	P/SR	P	P	P				P	3-3.4.R
Outdoor Sales <sup>73</sup>	SE	SE													P	P	P					P	3-3.4.S
<b>Retail Sales, Small<sup>74</sup></b>													P/SE	P/SE	P/SE	P/SE	A/SE	A/SE				P/SR	3-3.4.T

<sup>68</sup> Deleted allowance by Special Review in the I-2 district.

<sup>69</sup> Expanded use title to include distilleries and wineries.

<sup>70</sup> Replaces Restaurant – Without Drive Through. Currently limited to an accessory use in the B-1 district. Drive-Through Facilities now a separate use in the table **STAFF**. Are Restaurants currently prohibited in the SBC-O district? We recommend allowing them as a by-right use.

<sup>71</sup> Consolidates Year-Round and Seasonal Farmer's Market. Removes the requirement to receive a Special Exception in the A-E and A-1 districts to better encourage local agriculture. **STAFF**: Should Farmers' Markets be an allowed temporary use in PUDs?

<sup>72</sup> Consolidates Office – General, Executive, Professional, and Business Offices, Medical and Dental Clinics, Laboratories, and Research and Development w/ Indoor and Outdoor Use. Research and Development w/Indoor Use Only is prohibited in the B-1, B-3, and SBC-O districts, Research and Development w/ Outdoor Use is prohibited in the B-1, B-3, B-5, and SBC-O districts, and Laboratories are prohibited in the B-1 and SBC-O districts. Use-specific standards require Special Review for Research And Development Offices with Outdoor Uses in the B-4 district.

<sup>73</sup> Consolidates and expands the definition of Building/Landscape Material Sales Yard and Firewood, Storage and Sales. Building/Landscape Material Sales Yard are currently prohibited in the A-E, A-1, and RR-A districts and Firewood, Storage and Sales is prohibited in the B-4, I-1, I-2, and SBC-O districts.

<sup>74</sup> For all retail sales uses: Consolidates Retail, Retail - Department, Hardware, Dry Good, Ranching and Farm Supply Stores, Retail - Appliance, Furniture, and Carpet Stores, Retail -- Specialty Retail Sales, Antique Stores and Gift Shops, Retail Sale of Any Commodity Manufactured, Processed, Fabricated and/or Warehoused Only on the Premises, and Retail Sale of any Commodity Designed Especially for Use in Agriculture, Mining, Industry, Business, Transportation, or Construction. New broadened categories based on size rather than type of product sold (expands potential list of retail uses in the SBC-O district). Retail removed as an accessory use and will be added to the definition of uses where retail is a customary accessory use. Retail Sales, Small includes Convenience Store with or Without Gas Pumps and 24-Hour Operation. Use-specific standards applied to all small retail sales to require Special Exception for operations between 12:00AM and 6:00AM. Convenience Store with or Without Gas Pumps is currently prohibited in the B-1, I-1, and I-2 districts. Retail Sale of Any Commodity Manufactured, Processed, Fabricated and/or Warehoused Only on the Premises currently requires a Special Exception in the I districts and is prohibited in the B districts. Retail Sale of Any Commodity Designed Especially for Use in Agriculture, Mining, Industry, Business, Transportation, or Construction is currently prohibited in the B and I-1 districts and requires a Special Exception in the I-2 district.

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Retail Sales, Medium													P	P	P	A/SE	A/SE					P	3-3.4.U
Retail Sales, Large														P	P	A/SE	A/SE					P	3-3.4.U
Personal and Business Services <sup>75</sup>													P	P	P	P	A	SE				P	
Seasonal Sales <sup>76</sup>	T	T	T										T	T	T	T							3-3.6.I
Sexually-Oriented Business <sup>77</sup>															P	P	P	P					Per Approved General, Specific, Preliminary, or Final Development Plan 3-3.4.V
<b>Telecommunications and Towers<sup>78</sup></b>																							
Broadcast Tower Facility and Other Commercial Antennas and Radio Towers	SE																			SE			Per Approved General, Specific, Preliminary or Final Development Plan
Wireless Communication Facilities (WCF)																							
Attached (Structure, Roof, or Building-Mounted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	3-3.5
Alternative Tower Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	3-3.5
Small Cell Facilities in the ROW	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	Chapter 14, IDCS
Tower	P	P	P										P	P	P	P	P	P					3-3.5
Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			T	T	3-3.5
Over-height Towers	SE	SE	SE										SE	SE	SE	SE	SE	SE					SE 3-3.5
<b>Utilities and Infrastructure</b>																							
Minor Public Utility Facility <sup>79</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	3-3.4.W

<sup>75</sup> Expands current Retail, Service definition.

<sup>76</sup> Consolidates Seasonal Sales or Events, Swap Meets/Flea Markets and Tent/Sidewalk Sales. Use-specific standards added to limit Tent/Sidewalk Sales to the B districts. Tent/Sidewalk Sales are currently prohibited in the B-1 district. **STAFF:** Should Seasonal Sales be an allowed temporary use in PUDs?

<sup>77</sup> **STAFF:** An increasing number of newer codes divide this use into entertainment and retail uses – do you want to consider a secondary retail category because impacts are less significant than entertainment venues?

<sup>78</sup> Deleted Telephone Exchanges and Similar Buildings Housing Tele-Communication Equipment. All CMRS terms updated to new WCF terms. Updated allowances in the PUD district to follow those applied in standard zone district to align with Colorado decisions that have held that PUDs need to accommodate the same types of public and public good facilities regulated by state or federal law on the same basis that non-PUD districts would have to do so.

<sup>79</sup> Consolidated Minor Public Utility Facility (Distribution Substation, Underground Distribution Lines) and Minor Public Utility Facility (Including Above-Ground Distribution Lines and Underground Utilities). Expanded use permissions to allow Minor Public Utilities in all districts. The table note “Underground utilities are permitted so long as adequate cover exists to protect the utilities” moved to use-specific standards.



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	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F <sup>(1)</sup>	O	PUD	SBC-O <sup>8</sup>	Code Section
Major Private Electrical, Natural Gas, and Petroleum-Derivative Facilities	SR	SR																SR			Per Approved General, Specific Preliminary or Final Development Plan		3-3.4.X
Major Public Utility Facility												P	P	P	P	P	P						3-3.4.Y
Small Wind Energy Conversion System <sup>80</sup>	P	P	P	P	P	P					SE	P	P	P	P	P	P						3-3.4.Z
Sewage Disposal Treatment Plant																	P	P					3-3.4.AA
Water Treatment Plant																	P	P					3-3.4.BB
<b>Waste and Recycling</b>																							
Injection Well, Commercial <sup>81</sup>																			SR				3-3.4.CC
Junk Yard <sup>82</sup>																			P				
Recycling Collection Facility <sup>83</sup>	P	P										A	A	A	A	A	P				Per Approved General, Specific Preliminary or Final Development Plan		3-3.4.DD
Resource Recovery Operation <sup>84</sup>	P																P						3-3.4.EE
Solid Waste Disposal Site and Facility <sup>85</sup>	P																P						3-3.4.EE
Solid Waste Transfer Facility <sup>86</sup>	P																P						

NOTES:  
 [1] The uses and improvements listed as Permitted or Use by Special Review in the Floodplain District may be considered for approval within a floodplain if it is determined that the proposed use or improvement is in conformance with Section 4-3, Floodplain Management, floodplain management goals, and is otherwise consistent with the zoning district standards of the Land Development Code. It must be demonstrated that none of the conditions in subsection 2-4.10.B, will occur as a result of the proposed use or improvement.<sup>87</sup>

<sup>80</sup> Relocated from Telecommunications and Towers. **STAFF:** It is unusual to see this use permitted with a 120 foot height in the R-1-A and R-1-B districts; do you want to include a lower height for those districts.  
<sup>81</sup> **STAFF:** Do these standards need to be updated based on Senate Bill 181?  
<sup>82</sup> Consolidated with Automobile Wrecking/Salvage and expanded definition.  
<sup>83</sup> New use that includes permanent facilities and mobile recycling units (accessory).  
<sup>84</sup> Deleted "/Recycling Facility" see new use above.  
<sup>85</sup> Consolidated with Sanitary Landfill, Commercial. Solid Waste Disposal Site and Facility is currently prohibited in the I-2 district and Sanitary Landfill, Commercial is currently prohibited in the A-E district.  
<sup>86</sup> New use.  
<sup>87</sup> **STAFF:** This repeats the standard in Section 2-4.10.A.2. Do you need the additional/repeat standard here in the Permitted Use Table, or is it okay to delete and rely on the Floodplain district standards?

## 3-3 USE-SPECIFIC STANDARDS<sup>88</sup>

### 3-3.1. Residential Uses<sup>89</sup>

#### A. PRINCIPAL USES/STRUCTURES PER LOT<sup>90</sup>

1. In Agricultural, Rural Residential and Single Family Residential zone districts, only one principal structure is permitted per lot or parcel. Exceptions may be permitted, where authorized, by a Special Exception Use.
2. In the B-1 zone district principal uses shall be contained within a completely enclosed structure.
3. In the B-3 zone district all principal uses shall contained within a completely enclosed structure, except for outdoor seating and eating areas.

#### B. ACCESSORY DWELLING UNIT<sup>91</sup>

##### 1. General Standards

- a. The lot containing a principal dwelling unit and accessory dwelling unit shall not be further subdivided in order to create a separate lot for the accessory dwelling unit.
- b. Any accessory dwelling unit attached to the principal dwelling unit shall be constructed of a similar architectural style as the principal dwelling unit.
- c. The accessory dwelling unit shall not be sold separately from the principal dwelling unit.<sup>92</sup>

##### 2. District-Specific Standards

- a. In the RR-B and RR-C zone districts, an accessory dwelling unit shall be attached to the principal dwelling unit. Accessory dwelling units in detached structures are prohibited.
- b. In the A-E, A-1, and RR-A zone districts, the accessory dwelling unit shall be occupied by person(s) employed at the principal use.<sup>93</sup>
- c. In the B-5, I-1, and I-2 zone districts, the accessory dwelling unit shall be occupied by a person(s) owning, employed in, or dealing with and responsible for the security and maintenance of the principal use. The accessory dwelling unit may be attached to the principal structure, in a detached structure, including mobile homes<sup>94</sup>, on the same lot as the principal use.<sup>95</sup>

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<sup>88</sup> Overall organization of use-specific standards updated to align with their order of appearance in the use table, except Towers and Antenna and Temporary uses which remain separate sections.

<sup>89</sup> Deleted current Section 3-3.2.G (addressing whether multiple primary structures are permitted on a lot) and relocated to District standards for applicable districts.

<sup>90</sup> Current Section 3-3.2.G. **STAFF:** We recommend this text be relocated to the applicable zoning district standards.

<sup>91</sup> Consolidates standards in Sections 3-.2.D and F. Standards for Mother-In-Law Apartments are now applicable to all attached accessory dwelling units and detached accessory dwelling units are prohibited in the RR-B and RR-c districts. New definition of ADU removes 3 person occupancy limit and relationship requirements (immediate family members). **STAFF:** We understand there are efforts underway to updating these standards therefore our suggested edits are minimal and largely carry forward the current standards for Mother-In-Law Apartments, Ranch Hand/Agricultural Worker Housing, and Residence Required for Caretaker or Night Watchman Employed by the Premises.

<sup>92</sup> Deleted "rented or leased."

<sup>93</sup> Carried forward Section 3-3.2.F.

<sup>94</sup> **STAFF:** Do you want to keep this reference to "mobile homes" or narrow it to Manufactured Homes (which meet HUD standards).

<sup>95</sup> Carried forward the definition of Caretaker's Residence.

**C. BACKYARD BEES AND CHICKENS<sup>96</sup>**

**1. Backyard Bees Requirements and Restrictions**

- a. Backyard chickens and bees are not considered agricultural for purposes of agricultural affidavits.
- b. HOA covenants and guidelines may supersede these regulations.
- c. Number of hive boxes allowed:

Lot Area	Number of Hive Boxes
Less than 20,000 sf	2
20,000 sf to 1 acre	4
1 acre or more	8*
*Note: A-E, A-1, RR-A, and RR-B zone districts do not have a hive box limit	

- d. Setback/height requirements:
  - i. Maximum height, per hive box: up to six (6) feet in height above ground level and up to ten (10) cubic feet in volume.
  - ii. Hive(s) shall be located behind the front building line of the principal structure and no less than ten (10) feet from the side and rear property lines with the hive entrance facing away from neighbors and public right-of-way.
  - iii. Flyway requirements: (a) If the hive is at least twenty-five (25) feet from all property lines, no flyway required; (b) if the hive is closer than twenty-five (25) feet to any property line, a flyway is required on any side closer than 25 feet from a property line.
- e. The commercial sale of honey on the property is prohibited.

**2. Backyard Chickens Requirements and Restrictions**

Backyard chicken keeping must meet the following criteria:

- a. Up to four (4) chicken hens are allowed.
- b. Chickens must be kept in a coop overnight – between dusk and dawn.
- c. Chickens must be contained to the owner’s property at all times, behind the front building line.
- d. Odor, noise, dust, waste, and drainage must be controlled so as not to constitute a nuisance, safety hazard, or health problem to adjoining properties or uses.
- e. Slaughtering on residential property is prohibited.
- f. The commercial sale of eggs on the property is prohibited.
- g. Roosters are not permitted. No other fowl or poultry, including but not limited to ducks or turkeys, are permitted.
- h. Chicken coops must meet the following performance standards:
  - i. Coops must meet all applicable Building Code requirements. A building permit may be required for coops larger than 120 square feet in area.
  - ii. Maximum coop height is six (6) feet from ground level.
  - iii. Recommended indoor coop floor space is three (3) square feet per bird.
  - iv. Coops 120 square feet or less in area: coop shall be located behind front building line of principal structure and no less than ten (10) feet from the side and rear property lines (chicken run enclosures must also be at least 10 feet

<sup>96</sup> Carried forward Section 3-3.2.I. Deleted Section 3-3.2.I.1. Intent statements were deleted; they are not typically included in use-specific standards because they are not regulatory. The last two sentences of the intent paragraph are now standards 1.a and b.

from the property lines; chicken run enclosure areas are not counted towards the 120 square foot limit).

- v. Coops larger than 120 square feet in area: the coop and chicken run enclosure shall be a minimum of 10 feet from side and rear property lines or meet the setbacks for primary structures, whichever distance is greater.

**D. DWELLING, LIVE/WORK<sup>97</sup>**

1. The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.
2. In the B-1 and B-3 zoning districts, the commercial activity area shall not exceed 50 percent of the gross floor area of the live/work unit.
3. Signs are limited to not more than two non-illuminated wall or window signs not exceeding six square feet in total area.
4. The work activities shall not create adverse noise or operational impacts on of adjacent residential properties.

**E. DWELLING, MANUFACTURED OR MOBILE HOME**

1. The manufactured or mobile home park or subdivision shall abut or have access to streets and highways no less than 60 feet wide.
2. The manufactured or mobile home park or subdivision shall be designed so that all residences have direct access to an interior roadway.
3. Landscaping in the park shall be located so as not to interfere with the transporting of any manufactured or mobile home.
4. A setback shall at least 10 feet in width shall be provided along the front, side, and rear perimeters of the park to be used for no other purpose than landscaping.
5. Each manufactured or mobile home park or subdivision there shall provide the following areas:
  - a. Adequate laundry facilities for residents.
  - b. **Two** off-street parking spaces for each residence.<sup>98</sup>
  - c. A recreation area for the residents.
  - d. Garbage and trash containers, rodent and insect control features, and water and sewer provisions, all of which shall comply with the Tri-County Health Department and/or the State Health Department standards.

**F. SENIOR HOUSING<sup>99</sup>**

If the applicant has requested waivers of fees, financial contributions, or other assistance by the County for senior housing, this use shall comply with the following standards:

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<sup>97</sup> New.

<sup>98</sup> **STAFF**: Many newer Codes do not require two parking spaces. We recommend reducing this to one space for each residence. In addition, the requirement for a recreation area is somewhat unusual for smaller parks, and could be limited to larger facilities.

<sup>99</sup> Deleted Section 3-3.2.H.1. The current location provisions were guidelines and therefore challenging to administer and enforce.

**1. General Standards<sup>100</sup>**

- a. Restrictions regarding age requirements shall be effective as long as any bond financing instruments are outstanding or 10 years from the date of the initial Certificate of Occupancy, whichever is longer.
- b. Based on its evaluation of the need for senior housing in the area where the project is located, the County may waive, on a case-by-case basis:
  - i. The normal County fee relating to the issuance of industrial revenue bonds that are issued by the County;
  - ii. The developer's obligation to provide required public; and/or
  - iii. Requirements for land dedication and/or cash-in-lieu of land dedication.

**2. Administrative Site Plan or Development Plan Notes<sup>101</sup>**

A note shall be placed on the Administrative Site Plan or Preliminary Development Plan prescribing a minimum age limit for one occupant of each unit in the project at 55 years of age or older. The restriction may be released for rental units that are advertised for at least 270 consecutive days and not occupied by one or more qualified individuals. Those unoccupied units, and those only, may then be rented to person(s) of any age. In the event that such unit is occupied by a non-senior, and later vacated, the requirement that the unit be advertised for occupancy by one or more qualified individuals for a period of at least 270 days shall apply to that unit.

**G. HOME OCCUPATION**

**1. Day Care Home, Adult or Child<sup>102</sup>**

**a. All Day Care Homes<sup>103</sup>**

All Day Care Homes shall comply with the following standards:

- i. The day care operations shall be conducted only by the residents of the principal dwelling.
- ii. There shall be no visible advertising of the home occupation on the premises upon which it is located.
- iii. The day care operation shall not generate significantly greater traffic volume than would normally be expected in the residential area in which the home occupation is conducted.

**b. Day Care Home, Adult<sup>104</sup>**

All Adult Day Care Homes shall comply with all requirements for adult day services set forth in Section 10 CCR 2505-108.4000.

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<sup>100</sup> Carried forward Section 3-3.2.H.3 and applied generally to all forms of senior housing, not just non-profit senior housing. Standard to guide County decision on fee waivers added. **STAFF:** Most newer codes would not allow the age restriction to be removed 10 years after the first C.O. – they would require that it be recorded as a permanent (or at least long-term) rest

<sup>101</sup> Carried forward Section 3-3.2.H.2 and clarified applicability of the standards to administrative site plans.

<sup>102</sup> The Adult or Child Daycare Home use includes Adult Day Care Homes, Family Child Care Homes, Large Child Care Homes, and Experienced Family Child Care Providers.

<sup>103</sup> Rather than exempting Home Occupation Daycare uses from the majority of the General Home Occupation standards, the applicable requirements are included here. Includes current Sections 3-3.11.A.2.b, c, and h.(simplified for clarity).

<sup>104</sup> New.

**c. Child Care Home, Family<sup>105</sup>**

A Family Child Care Home shall be permitted subject to the following provisions:

- i. Such Family Child Care Home shall not be allowed signage.
- ii. Such Family Child Care Home shall provide care for children as follows:

TABLE: 3-3.11.1 NUMBER OF CHILDREN PERMITTED IN FAMILY DAY CARE HOME	
Provider's children not attending full-day school	Maximum number of day care children permitted at one time
6 or more	0
5	1
4	2
3	3
2	4
1	5
0	6
Provider's children under 12 years attending full-day school	Additional day care children permitted during school hours
0	0
1	1
2	2

**d. Child Care Home, Large<sup>106</sup>**

A Large Child Care Home shall be permitted subject to the following provisions:

- i. Such Large Child Care Home shall be approved by the Board of Adjustment under Special Exception Use.
- ii. Such Large Child Care Home shall not be allowed signage.
- iii. Child care may be provided to children from 24 months to 13 years of age. This does not prohibit the care of children ages 13 to 18.
- iv. Care may be provided to no more than two children under the age of two whether or not other siblings are in care.

**e. Experienced Child Care Provider<sup>107</sup>**

To be approved for the Experienced Child Care provider, the provider must:

- i. Have been a family child care home provider in Colorado for at least the last six consecutive years;
- ii. Have completed 90 clock hours of training within the preceding six years (excluding pre-licensing training); providers with a minimum of 65 hours of training within the preceding six years may be approved for the license if they

<sup>105</sup> Updated term to match State licensing. Carried forward current Section 3-3.11.B.1. Deleted standard referencing general licensing required by the Colorado laws. See new Section 3-1.5 prior to Permitted Use Table.

<sup>106</sup> Carried forward current Section 3-3.11.B.3. Deleted standard referencing general licensing required by the Colorado laws. See new Section 3-1.5 prior to Permitted Use Table. Subsections c. and d. are relocated from the current definition.

<sup>107</sup> Carried forward current Section 3-3.11.B.2. Deleted standard referencing general licensing required by the Colorado laws. See new Section 3-1.5 prior to Permitted Use Table.

- iii. Have had no substantiated complaints in the preceding two years for violations that could directly threaten the health or safety of children in care; Have no negative licensing action taken against the license in the preceding two years;
- iv. Meet requirements of 35 square feet of inside space and 75 square feet of outside space per child;
- v. The following chart describes the various options available to the Experienced Child Care Provider. Providers are free to move from one option to another without notifying the department, as long as they are in compliance with all licensing rules.

TABLE 3-3.11.2 EXPERIENCED FAMILY CHILDCARE PROVIDER - NUMBER OF CHILDREN ALLOWED <sup>108</sup>					
Note: All options include the provider's own children under 12 years of age					
	Total Children in Care at a Given Time	Birth to School Age	Under Two Years of Age	Number Under 18 Months of Those Under Two Years of Age	Additional School Age Children Allowed
Option 1	9	7	2	2	2
Option 2	9	8	2	2	1
Option 3	9	5	2	2	4
Option 4	9	6	3	2	3
Option 5	4	4	4	2	0

- f. An Experienced Child Care Provider shall be permitted subject to the following provisions:
    - i. Such Experienced Child Care Provider shall be approved by the Board of Adjustment under Special Exception Use.
    - ii. The use shall not be allowed signage.
2. **Home Occupation, Other<sup>109</sup>**
- a. **Requirements and Restrictions**  
The use shall comply with the following criteria:
    - i. The home occupation shall be conducted within the principal dwelling or an accessory structure on the same property as the principal dwelling.<sup>110</sup>
    - ii. The home occupation shall be conducted only by the residents of the principal dwelling.<sup>111</sup>

<sup>108</sup> Revised table to align with standards set forth in CCR 2509-8. Total Children in Care at a Given Time added to table and "provider's children under 10" revised to "provider's children under 12".

<sup>109</sup> Deleted current Section 3-3.11.A.1. Intent statements are not typically included in use-specific standards because they are not regulatory. The requirement that no more than 20 percent of garage area be used for home occupation storage was deleted as unnecessary and difficult to enforce.

<sup>110</sup> New expanded allowance for home occupations to operate out of an accessory structure.

<sup>111</sup> **STAFF:** Many newer codes allow one, non-resident employee for the home occupation. Would that be appropriate for Arapahoe County?

- iii. There shall be no visible advertising of the home occupation on the premises upon which it is located.<sup>112</sup>
- iv. There shall be no outdoor storage of goods or materials associated with the home occupation.
- v. There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light, or dumping of materials produced by the home occupation.
- vi. Deliveries to the property shall not be permitted, except those by typical residential delivery services at a frequency similar to homes that do not operate a Home Occupation.<sup>113</sup>
- vii. A home occupation shall not change the appearance or character of the dwelling and/or neighborhood. Only materials, goods and services normally associated with a dwelling unit shall be considered eligible for a home occupation.
- viii. The home occupation shall not regularly attract more than four customer visits a day and shall not generate significantly greater traffic volume than would normally be expected in the residential area in which the home occupation is conducted.

**b. Prohibited Home Occupations<sup>114</sup>**

The following home occupations are prohibited regardless of whether they comply with the standards in Subsection 1., above.

- i. Occupations that involve highly combustible materials or any material.
- ii. Occupations where the dimensions, power rating, or weight of equipment and tools used exceed that of normal household equipment and tools.
- iii. Occupations that cause abnormal automotive or pedestrian traffic or that are objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, or similar disturbances.
- iv. Retail stores.
- v. Dispatch centers where employees meet at the dwelling unit and are sent to other locations.
- vi. Occupations that would detract from the residential character of the neighborhood.
- vii. Any other use that is not listed as an allowed or use by special exception or review in any zone district in the county.

**c. Multiple Home Occupations<sup>115</sup>**

- i. More than one home occupation may be permitted within an individual dwelling unit.
- ii. Where multiple home occupations are conducted within an individual dwelling unit, the requirements of Subsection 1. above shall be applied to the combined total of all home occupation activities, not to each home occupation individually.

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<sup>112</sup> STAFF: Many newer codes allow a smaller, one or two square foot sign for the home occupation. Would that also be appropriate for Arapahoe County?

<sup>113</sup> Replaces and simplifies current Section 3-3.11.2.f.

<sup>114</sup> New. STAFF: Do you want to add to this list? For example, many newer codes also prohibit auto and heavy equipment repair and firearms sales.

<sup>115</sup> New.



**H. PETS<sup>116</sup>**

1. A maximum of four pets is allowed in the A-1, RR-A and RR-B zone districts.
2. A maximum of three pets per dwelling unit is allowed in in all other zone districts where this use is permitted.

**I. GROUP HOMES<sup>117</sup>**

**1. Group Home, FHAA (Small or Large)<sup>118</sup>**

- a. Group Homes for the use of citizens whose right to live together as a housekeeping unit is protected by the provisions of the federal Fair Housing Act Amendments of 1988 (FHAA), as interpreted by the courts, or by any similar legislation of the State of Colorado, may be established in any Residential zone district or portion of a Mixed-Use zone district or PUD district that permits residential dwellings of the same size for persons whose right to live together is not protected by that Act, subject to the licensing requirements of the state.
- b. Group Homes may not be located within 750 feet of any other group home. The 750 foot separation requirement shall only apply to a Group Home within the unincorporated area of the County.<sup>119</sup>
- c. In the MU-PUD zone district, Small FHAA Group Homes<sup>120</sup> shall be a principal permitted use when residential uses are a part of the MU-PUD.

**J. GROUP RESIDENTIAL FACILITIES<sup>121</sup>**

Group Residential Facilities may not be located within 750 feet of any other Group Residential Facility or a Group Home.

**3-3.2. Cultural and Civic Uses**

**A. ART GALLERY, LIBRARY, OR MUSEUM**

In the A-E and A-1 zoning districts, museums shall be directly related to agricultural interest or activities.<sup>122</sup>

**B. DAYCARE CENTER, ADULT OR CHILD<sup>123</sup>**

1. It shall be unlawful for any person to maintain any child or adult in such facility, other than the child or adult of the owner or manager living in the facility, for more than 16 hours in any 24-hour period. The operation of the facility shall not include overnight occupancy by the clients.

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<sup>116</sup> Standards updated to include additional zoning districts based on updates to the residential uses. **STAFF:** Many codes remove these standards from zoning and reference the Animal Code. Which approach is best for Arapahoe County?

<sup>117</sup> Deleted current Section 3-3.2.A.1. Intent statements are not typically included in use-specific standards because they are not regulatory.

<sup>118</sup> Deleted current Section 3-3.2.A.2.a and b. Occupancy limits now described in definition of large and small group homes. Deleted current Section 3-3.2.A.3.a regarding public hearings – the use permissions listed in the use table indicate the required process based on group home type.

<sup>119</sup> **STAFF:** This provision needs County Attorney review for defensibility. Although the state law allows for 750 foot spacing, the federal Fair Housing Act does not.

<sup>120</sup> Current provision references Type A Group Homes that are limited to eight persons.

<sup>121</sup> New standard that currently applies to Type A Group Homes only.

<sup>122</sup> Standard generally carried forward the intent of current definition for Farm Museum that has been consolidated in the Art Gallery, Library, or Museum use.

<sup>123</sup> New standard for Daycare Centers.

2. An Adult Daycare Center shall comply with the requirements set forth in Section 10 CCR 2505-10 8.400.<sup>124</sup>

### 3-3.3. Agricultural and Animal Uses

#### A. AGRICULTURAL OR RANCH USE<sup>125</sup>

1. Agricultural animals are permitted only in the A-E, A-1, RR-A, RR-B and R-1-A zone districts and there is no limit to the number of agricultural animals allowed per acre except as provided for below.
2. In the RR-B zone district a maximum of one agricultural animal per acre is allowed except that there is no limit on small agricultural animals kept for non-commercial use.
3. In the O zone district, agricultural use is limited to cultivation of crops only and provided that no dwelling or other structure is located in the district.
4. In the F district, agricultural use is limited to:
  - a. Agriculture (including crop production, livestock grazing, and fish hatcheries) and nursery, where allowed in the applicable zoning district.
  - b. Noncommercial production of crops (e.g., orchards or garden plots that are an amenity to development).

#### B. ANIMAL DAY CARE FACILITIES

1. The use must be completely enclosed except that outdoor runs or other areas in which dogs will be allowed outside of an enclosed structure off leash are allowed between the hours of 6:30 a.m. and 9:00 p.m.
2. Outdoor runs less than 300 feet from a residential zoned property are prohibited.
3. The building shall be soundproofed such that no noise generated by the use is perceptible at the property line.

#### C. ANIMAL HOSPITAL AND VETERINARY CLINICS<sup>126</sup>

1. Animal hospitals shall not be located closer than 100 feet from any residential district.
2. Adequate measures and controls will be required to prevent offensive odor and noise.

#### D. COMMERCIAL FEED LOT<sup>127</sup>

Commercial Feed Lots shall:

- a. Not be located closer than 200 feet from any property line.
- b. Control odor, dust, noise or drainage so as to not constitute a nuisance or hazard to adjoining properties.

#### E. COMMUNITY GARDEN<sup>128</sup>

1. **Location**
  - a. **Locations Approved**

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<sup>124</sup> New.

<sup>125</sup> Consolidated current use-specific standards for Agricultural Animals (3-3.1.A) and Cultivation of Crops (3-3.1.D).

<sup>126</sup> Minimum distance of 100 feet from restaurant, hotel, or motel was deleted as unusual and unnecessary.

<sup>127</sup> Carried forward Section 3-3.1.B.2 and Section 3-3.1.C. Deleted requirements to provide vehicle ingress and egress and parking to minimize traffic congestion.

<sup>128</sup> Carried forward and relocated Section 3-3.3.A. Deleted Section 3-3.3.A.1 (Intent). Intent statements are not typically included in use-specific standards because they are not regulatory. STAFF: Limitation to public and quasi-public entities is unusual and probably unnecessary – the impacts are the same if private property owners allow them, and most newer codes do not include this limit. We recommend it be deleted.

Community Gardens may be located on publicly-owned properties and properties owned and managed by quasi-public agencies and organizations and other use areas to include the following, but excluding the public rights-of-way and areas restricted by drainage easements, floodplains or other limitations:

- i. Public libraries, parks, heritage or cultural facilities, government offices, or other publicly-owned or managed properties.
- ii. Properties owned by a Quasi-Public Agency, as defined in this code, such as parks, water districts, fire stations, public schools, or similar properties.
- iii. Privately-held properties used for a Quasi-Public Use, as defined in this code, such as religious or cultural facilities, private schools, hospitals, or other use meeting the purpose and intent of this section.
- iv. Common-ownership areas of a residential development, such as parks or recreational facilities managed by a Home-Owners' Association on behalf of residents, common areas of a multi-family residential development, or similar - area meeting the intent of this section.

**b. Locations Not Approved**

Community Gardens may not locate on a vacant residential lot, on a lot platted within a residential subdivision for a residential structure, on lots zoned for commercial or industrial use, except as otherwise permitted under Locations Approved, or on other areas not consistent with Locations Approved described within this section.

**2. Requirements**

Community Gardens are subject to the following performance standards:

- a. The total gross floor area of any structure for community gardens may not exceed 250 square feet on any lot.
- b. Structures, such as sheds, are limited to 10 feet in height, including pitched roof.
- c. Structures other than perimeter fences shall be set back from property lines a minimum distance of five feet.
- d. Perimeter fences shall not exceed six feet in height, shall be at least 50 percent open if they are taller than four feet, and shall be constructed of wood, chain link, or ornamental metal. Where applicable, fences must meet 30 foot sight triangle requirements of the Land Development Code applicable to placement near roads or driveways. Best efforts should be made to ensure that the fences are compatible in appearance and placement with the character of nearby properties. Fences must be maintained in good condition at all times.
- e. One ~~identification~~ sign is permitted and shall comply with the following requirements: maximum sign area 32 square feet; maximum sign height six feet; minimum setback for free -standing sign 10 feet; must comply with regulations for 30 foot sight triangle where applicable; non-illuminated.
- f. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property.
- g. Gasoline or other flammable liquids shall not be stored on site.
- h. A responsible party for the garden shall evaluate previous land uses. If visible inspection or land use history indicates that soil contamination may be present, the responsible party shall take appropriate measures to ensure or provide soil that is suitable for gardening.

- i. Outdoor lighting is prohibited.
  - j. Outdoor storage is prohibited. When not in use, all equipment and tools shall be stored in the garden structure (shed) or removed from the site.
  - k. At all times the garden shall be maintained in good condition so as to prevent nuisance odors and vectors.
  - l. Gardens shall register with the Planning Division by completing a Community Garden Registration Form. Gardens shall renew their registrations annually by the first of February of each calendar year.
3. **Submittal Requirements for Garden Registration**<sup>129</sup>
- The applicant shall submit to the County a scaled and dimensional Site Plan showing the following:
- a. An overall schematic site plan of the garden on the property showing the relationship of the garden to other features on the site, such as proximity to permanent buildings or other site elements, setbacks from property lines, and sight triangles affecting fence placement.
  - b. The schematic of the garden must show any proposed fencing, gates, structures (e.g., shed) and other features (e.g., parking, water tap, signage, trash containers, as applicable). The site plan shall identify the materials that will be used for the fencing, gates and any structures.
  - c. An established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities, adequate liability insurance at one million dollars with Arapahoe County as additionally insured, and proof of ownership or lease of the property or other agreement with property owner.
  - d. A garden coordinator shall be designated to perform the coordinating role for the management of the community garden and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden.
  - e. The site plan, operating rules, and proof of insurance and ownership or lease or other agreement for use of the property shall be filed with the Planning Division at the time of the completion of the Community Garden registration.
  - f. Acknowledgment that the applicant is responsible for ensuring compliance with any Conditions, Covenants and Restrictions that may apply to the property. Some properties or developments may be governed by private restrictions and covenants that would not permit a Community Garden.
  - g. Outside referrals will be sent to all adjacent property owners and Home Owners Associations (HOA's) for informational purposes.
4. **Additional Requirements for Sales Stands**<sup>130</sup>
- a. Any sales associated with a registered Community Garden meeting the requirements of this section shall meet the definition of a Roadside Sales Stand.
  - b. Sales are limited to fruit, vegetables, plants, herbs or flowers produced on the premises, or from a nearby registered community garden.
  - c. The stand area shall occupy no more than 100 square feet.
  - d. The stand shall be located a minimum of 10 feet from any property line.

<sup>129</sup> **STAFF:** We recommend deleting this section and moving it into the Development Application Manual.

<sup>130</sup> Updated all references from Produce Stands to Roadside Sales Stands to align with use table.

- e. Sales shall be limited to two days per week.
- f. Hours of operation shall be limited to the hours from 8:00 a.m. to 8:00 p.m.

**F. KENNEL<sup>131</sup>**

No outdoor dog run or outdoor exercise area for any permitted animal may be located within 100 feet of a Residential district.

**G. NURSERY OR GREENHOUSE<sup>132</sup>**

- 1. In the RR-A and RR-B zone districts, products grown in an accessory greenhouse shall be for consumption by residents only.
- 2. Non-commercial accessory greenhouse structures may exceed accessory structure size limitations by up to 50 percent.<sup>133</sup>

**H. STABLE OR RIDING ACADEMY<sup>134</sup>**

All Stables or Riding Academies shall:

- a. Not be located closer than 200 feet from any property line.
- b. Control odor, dust, noise or drainage so as to not constitute a nuisance or hazard to adjoining properties.
- 2. Stables or Riding Academies in the A-E, A-1, RR-A, and RR-B zone districts shall meet the following standards:
  - a. A private stable must be located on the rear half of the lot, 25 feet from all property lines and 50 feet from any dwelling unit.
  - b. A commercial stable must be located on the rear half of the lot, 50 feet from all property lines and 100 feet from any dwelling unit.
- 3. In the F zone district, no permanent structure or shelter associated with a Stable or Riding Academy shall be located in the floodplain.<sup>135</sup>

**I. URBAN AGRICULTURE<sup>136</sup>**

**1. Structures**

- a. Cold frames are limited to a maximum height of two feet, and shall be located at least 10 feet from any lot line abutting a lot that has an occupied residential use or is within an RR-A, RR-B, RR-C, R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, or R-2-B zone district.
- b. Accessory greenhouse and hoop house structures are limited to a maximum height of 10 feet, shall be located at least 10 feet from any lot line abutting a lot that has an occupied residential use or is within an RR-A, RR-B, RR-C, R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, or R-2-B zone district, and may not cover more than 25 percent of the rear lot.

<sup>131</sup> New.

<sup>132</sup> **STAFF:** Many newer Codes allow sales of products grown on the premises in all districts, but limit the size of the sales structure in residential districts to about 100 sq. ft. (and sometimes limit operations to 8am—6pm) to ensure they do not have a commercial feel. Let us know if you want us to make that change.

<sup>133</sup> New 50 percent limitation added clarify the extent to which accessory greenhouses can exceed size limitations (currently a separate use in the Use Table).

<sup>134</sup> Carried forward Section 3-3.1.B.2 and 3. Deleted requirements to provide vehicle ingress and egress and parking to minimize traffic congestion.

<sup>135</sup> Carried forward current Use Table Note [5].

<sup>136</sup> New standards for new use.

- c. Agricultural stands are limited to a maximum height of 10 feet and shall be located at least 10 feet from any lot line abutting a lot that has an occupied residential use or is within an RR-A, RR-B, RR-C, R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, or R-2-B zone district.
- 2. **Soil Quality**
  - a. Food products may be grown in soil native to the site if the applicant can provide documentation to the Arapahoe County Public Health Department that a composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the State of Colorado; and either:
    - i. Proof through maps, deeds, prior permits, or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or
    - ii. Documentation that a composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the State of Colorado. If metal content in soil exceeds established thresholds, food products may only be grown in raised beds filled with clean topsoil.
  - b. As an alternative to meeting the standards in subsection 1.2.a. above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.
- 3. **Additional Standards**
  - a. Produce grown on the property may be sold only in accordance with the standards for cottage food sales as authorized by the Colorado Cottage Foods Act, C.R.S. § 25-4.1614.
  - b. The site drainage and maintenance shall prevent water, fertilizer, or any other product from draining onto adjacent property that is not part of the contiguous land in common use, and shall comply with all County regulations regarding illicit discharges.
  - c. Refuse and compost areas shall be enclosed at ground level to be rodent-resistant, and compost piles shall not exceed four feet in height.
  - d. No outdoor work activity that involves power equipment or generators may occur between 7:00 p.m. and 7:00 a.m. the next day.

### 3-3.4. Commercial and Industrial Uses

#### A. AIRPORT OR HELIPAD<sup>137</sup>

- 1. Each use must be approved by the Federal Aviation Administration (FAA).
- 2. No use may be located closer than 1,000 feet to any existing or planned residential dwelling unit.

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<sup>137</sup> Carried forward current Section 3-3.10.A. F.A.A. approval requirement extended to airports and 1,000 foot separation distance for airports relocated from previous definition.

**B. AUTO SERVICE STATION  
OR CAR WASH<sup>138</sup>**

In the B-3, B-4, and B-5 districts:

1. No more than two inoperable vehicles shall be stored outside a building at any time.
2. This use shall not be located where the only vehicle access to the lot is from a local street.
3. For fueling station canopies, all under-canopy lighting shall be recessed so that no part of the light lens projects below the canopy ceiling.
4. The canopy fascia shall not be internally illuminated.
5. If located abutting or across an alley from an RR-A, RR-B, RR-C, R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, or R-2-B zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least six feet high is required.

**C. VEHICLE FLEET OPERATIONS CENTER<sup>139</sup>**

This use shall not be located within 300 feet of an Agriculture or Residential zone district.

**D. VEHICLE REPAIR, MINOR AND MAJOR<sup>140</sup>**

In the B-3, B-4, and B-5 districts:

1. All vehicle repair activities shall take place inside an enclosed structure.
2. No more than two inoperable vehicles shall be stored outside a Minor Vehicle Repair structure at any time.
3. No more than five inoperable vehicles shall be stored outside a Major Vehicle Repair structure at any time.
4. If located abutting or across an alley from an RR-A, RR-B, RR-C, R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, or R-2-B zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least six feet high is required.

**E. VEHICLE SALES OR RENTAL, LIGHT AND HEAVY<sup>141</sup>**

1. This use shall not be located within 300 feet of an Agriculture or Residential zone district.
2. Vehicles shall not be displayed in areas designated for landscaping unless otherwise shown on the approved site plan.

**F. CONTRACTOR SHOP OR YARD**

No outdoor storage of building materials or equipment is allowed in the B-3 and B-5 zone districts.

**G. INDUSTRY, ARTISAN<sup>142</sup>**

1. All activities must be conducted within a completely enclosed building.
2. If located in a Mixed-Use zoning district, this use shall not exceed 10,000 square feet of gross floor area.

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<sup>138</sup> New.

<sup>139</sup> New use and standard.

<sup>140</sup> New standards.

<sup>141</sup> New standards for new uses based on expansion of existing Vehicle Sales/Rental/Leasing into two different intensities of operations.

<sup>142</sup> New use and standards.

#### H. INDUSTRY, LIGHT AND HEAVY

1. In the A-E and A-1 districts, Light Industry is limited to the processing, packaging, and selling of agricultural commodities and requires Special Review.
2. Any facility using hazardous materials or procedures subject to additional review, licensing, or approval by state or federal law, or emitting electromagnetic radiation or other radiation, shall comply with all state and federal requirements regarding the storage, handling, transfer, use, and safety of those materials, procedures, or radiation and require approval by Special Review.<sup>143</sup>
3. Explosion welding, cladding or metallurgical bonding of metal activities is subject to the following performance standards:<sup>144</sup>
  - a. The use shall not be permitted within four miles of a regularly inhabited residential structure which existed as of the date of the filing on an application for a Special Exception Use permit, unless all owners of residential structures located within four miles of the proposed site of the use have waived, in writing, any objection to the site of the use.
  - b. The use must limit the detonation of explosives to weekdays between the hours of 9:00 a.m. and 5:00 p.m.
  - c. The transportation of blasting agents and explosives to or from the site of the use and storage of such materials shall be in compliance with all applicable state and federal regulations.
  - d. On County roads or streets commonly used by school buses or public transit, transportation of blasting agents and explosives in excess of 100 pounds to or from the site of the use shall only be permitted between the hours of 9:00 a.m. and 2:30 p.m.
  - e. At a radius of four linear miles from the site of the use and beyond, sound and air overpressure levels generated by the use shall not exceed 65 Db(L), measured with equipment having a lower frequency for flat response of from 2.0 to 6.0 hertz with a variation from linear response of no more than +4dB.
  - f. To prevent possible damage to adjacent property without compensation, the applicant must provide legal documentation that all property owners within one-half mile of the site, the outer limits of the area designated for blasting, have reached agreement with the applicant on the operation designated in the Special Exception Use.<sup>145</sup>
  - g. A referral shall be made to the FAA for whatever precautions it deems necessary prior to the Board of Adjustment hearing.
  - h. A referral shall be made to the PWD Engineering Services Division for their investigation as to possible damage to roads and bridges the granting of the Special Exception Use would cause prior to the Board of Adjustment hearing.<sup>146</sup>

<sup>143</sup> New.

<sup>144</sup> Carried forward Section 3-3.4.F, excluding Paragraph 1 (Intent statements are not typically included in use-specific standards because they are not regulatory) and Paragraph 2. (general statement added to beginning of use-specific standards requiring compliance with all Colorado Department of Health requirements). **STAFF:** 2a and 2f are legally problematic. Land use permissions cannot turn on the vote of neighbors or other citizens that are not appointed or elected or under the direction of an appointed or elected official

<sup>145</sup> **STAFF:** This provision requires review by the County Attorney. It is generally not legal to make a particular land use subject to the approval of nearby property owners.

<sup>146</sup> **STAFF:** For both paragraphs g. and h., codes generally do not include internal or external referral agency requirements in the use-specific standards. We recommend deleting this and moving the requirements to the Development Application Manual.



**I. MINING AND EXTRACTION**

Mining and Extraction operations in the F zone district shall comply with the following standards:

1. Gravel, mineral or sand excavations are subject to the conditions required in Section 2-5.4, Mineral Resources and Geologic Hazard Areas;
2. Maximum building height cannot exceed 25 feet; and
3. All permitted structures shall be set back at least 25 feet from any public right-of-way.

**J. MINI-WAREHOUSE/SELF STORAGE<sup>147</sup>**

1. The storage of hazardous materials, including but not limited to feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels, is prohibited.
2. Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces as a location to conduct a business is prohibited. The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment on the premises is prohibited.
3. Where the site is adjacent to residentially-zoned land, loading docks are prohibited on the side of the facility facing the residentially zoned land.
4. A permanent opaque screen at least nine feet in height shall be installed on any property boundary adjacent to residentially zoned land.
5. If the facility is located in an B-4 or B-5 district, all storage shall be contained within a fully enclosed structure that
  - a. Is at least a two-story structure with storage units on upper floors with access doors to storage units accessed from interior hallways; and
  - b. Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from view from such areas.

**K. OUTDOOR STORAGE<sup>148</sup>**

1. The site shall be maintained in good condition, free of weeds, trash, and debris.
2. The site shall provide barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night, by the movement of vehicles, machinery, equipment, or supplies.
3. The site shall provide entrances and exits located to minimize traffic congestion.
4. The site shall provide barriers of such type and so located that no part of parked vehicles will extend beyond the yard space or into the setback space from a zone lot line abutting or across the street from a residential zone.
5. The site shall be appropriately from view from adjacent streets and nonindustrial properties by an opaque screen to a height of **nine** feet.<sup>149</sup>

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<sup>147</sup> New.

<sup>148</sup> New use and standards.

<sup>149</sup> **STAFF:** Is this height appropriate for Arapahoe County or should it be increased or decreased?

6. Lighting fixtures shall be arranged so that they do not unreasonably disturb occupants of adjacent residential properties or create distractions for motor vehicles on streets abutting the property.
7. The view of loading areas shall be minimized where visible, especially from the front line of the lot and from interstate highways, expressways, and park and open space areas.
8. No highly flammable or explosive liquids, solids, or gasses shall be stored in bulk above ground, except fortanks, drums, or fuel directly associated with business operation that meet all life safety standards.

**L. MOTORSPORTS FACILITY<sup>150</sup>**

Motorsports Facilities are subject to the following performance standards:

1. The facility may not be less than 100 acres in size.
2. All access to the site must be from paved roads.
3. Noise generated by activities on the site may not exceed 103 decibels at the site boundary.
4. No grandstand or seating structure erected on the site may exceed 15 feet in height, measured from the surface of the highest seat to the ground immediately under the seating surface. Additional structures such as handrails, canopies, and seat backs may be allowed at the discretion on County staff.
5. Seating provided not to exceed capacity for 500 persons.

**M. RECREATION, OUTDOOR<sup>151</sup>**

1. In the O district, no more than 10 percent of the total site area may be occupied by indoor activity, support, or administrative facilities.<sup>152</sup>
2. Golf courses are permitted in the F district provided that:
  - a. The applicant provides a management plan that demonstrates that downstream water quality will not be adversely affected by fertilizers and pesticides associated with the use; and
  - b. Pedestrian and golf cart trails and bridges are designed to pass the 10-year flood event with freeboard as per requirements of the Arapahoe County Stormwater Management Manual.

**N. BED AND BREAKFAST<sup>153</sup>**

In addition to the requirements for a special exception use, all bed and breakfast inns shall be subject to the following standards:

1. **Maintain a Residential Appearance**  
Structures shall not be altered in a way that changes their general residential appearance.
2. **Owner on Premises**
  - a. The owner or on-site manager shall live on the premises when the bed and breakfast is in operation.

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<sup>150</sup> Carried forward Section 3-3.4.A. Deleted Section 3-3.4.A.1. Intent statements are not typically included in use-specific standards because they are not regulatory.

<sup>151</sup> Deleted current Section 3-3.7.A.2. All land in the MRG-O district is required to meet the requirements of Section 2-5.4 so it does not need to be directly stated for golf courses in the Open district.

<sup>152</sup> Carried forward current Use Table Note [8]. **STAFF:** This is an unusual provision, and we recommend it be deleted.

<sup>153</sup> Carried forward Section 3-3.4.B. Deleted Section 3-3.4.B.1. Intent statements are not typically included in use-specific standards because they are not regulatory.

- b. The home must be the primary and legal residence of the owner.<sup>154</sup>

3. **On-Site Parking**

- a. A minimum of one parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with Section 4-1.2 Parking, Loading and Drive-Through.
- b. Additional parking shall be required if reception or party space is available.
- c. If four or more off-street parking spaces are provided, an opaque visual screen (fence, wall, evergreen landscaping, or a combination of those features) from adjacent residential uses may be required.

4. **Signs**

Signs shall be allowed in accordance with Section 4-1.5, Signs.

5. **Receptions and Meals**

No receptions, private parties, or similar activities shall be permitted, and no meals shall be served to the general public, unless expressly approved as part of the Special Use Permit application (Farmhouse Restaurant).

6. **Limits on Tenancy**

No long-term rentals shall be permitted. The maximum length of stay shall be 30 days.

7. **No Cooking Facilities in Guest Rooms**

No cooking facilities, other than a microwave, shall be allowed in the guest rooms.

**O. DRIVE-THROUGH FACILITY<sup>155</sup>**

- 1. Drive-Through windows shall be located to the side or rear of the principal building and not between any side of a principal building and any street, to the maximum extent practicable
- 2. All Drive-Through Facilities shall be designed and located to avoid impairing pedestrian mobility to or from the primary structure or creating risks to pedestrian safety.
- 3. Drive-Through lanes shall be set back at least 10 feet from each agriculture or residentially zoned lot.
- 4. All Drive-Through Facilities shall comply with the standards of Section 4-1.2, Parking, Loading and Drive-Through.

**P. RESTAURANT<sup>156</sup>**

In the B-1 district, Restaurants are limited to no more than 1,000 sq. ft. of gross floor area.

**Q. MARIJUANA LAND USES**

1. **General: Marijuana Land Uses Not Allowed**

The use of land, buildings or structures to grow, produce, cultivate, sell, dispense, distribute, store, test or manufacture marijuana and/or marijuana products, or as a marijuana club, is not allowed or permitted throughout unincorporated Arapahoe County, except to the extent specifically identified in Section 3-3.4.Q.2, below.

<sup>154</sup> Relocated from current definition.

<sup>155</sup> New use and standards.

<sup>156</sup> New standard to accompany new allowance for this use in the B-1 district while requiring that it be at a neighborhood scale.

**2. Exceptions**

**a. Non-Conforming Commercial Uses**

The licensed premises of the medical marijuana stores existing as of July 14, 2020 and located at 1842 South Parker Road, Unit 18, Denver, Colorado 80231, 2280 South Quebec Street #G, Denver, Colorado 80231, 3431 South Federal Boulevard, Unit G, Englewood, Colorado 80110, and 6200 East Yale Avenue, Unit B, Denver, Colorado 80222, and no others, are allowed to be used for a retail marijuana store and/or a medical marijuana store; such uses are deemed to be non-conforming uses subject to the provisions of Section 6-4, Nonconformities, and such uses must be in compliance with the applicable provisions of the Colorado Constitution and the Colorado Marijuana Code (CMC), and all other applicable state and local laws and regulations.

**b. Non-Commercial Uses**

An exception to the prohibition of marijuana land uses is the non-commercial growing, cultivation, storage or production of marijuana or marijuana products, by a person, patient or his or her primary caregiver, to the extent that such activity is specifically authorized as a lawful personal use pursuant to Article XVIII, Section 16 of the Colorado Constitution, or is specifically exempt from criminal prosecution under Article XVIII, Section 14 of the Colorado Constitution, is in compliance with all applicable state and local statutes, rules and regulations and with all applicable building and fire codes, and subject to the following:

**c. Dwelling Units**

The non-commercial growing, cultivation, storage or production of marijuana or marijuana products may only be conducted as a non-primary use in an agricultural (A-1, AE), rural residential (RR-A, RR-B, RR-C), or residential (R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, R-2-B, or R-M), obsolete residential (R-2, R-3, R-3S, R-4, R-5), or the residential portion of a PUD zone district (including those originally zoned in a R-P, R-PSF, R-PM, R-PH, MU, or SH), and may only be conducted within a dwelling unit (and not on a porch or within a shed, greenhouse or other such structure) by a person residing at the dwelling unit, for such person's own use, or by a primary caregiver on behalf of a patient who resides at the same dwelling unit as the primary caregiver; however, in no event shall more than six plants, with three or fewer being mature flowering plants, be grown or cultivated at any one time by each person or primary caregiver residing at such dwelling unit, up to a maximum of 12 plants total per dwelling unit.

**d. Additional Restrictions**

The marijuana land uses authorized by subsection 3-3.4.Q.2.b are subject to the following additional restrictions:

- i. All uses shall be conducted in an enclosed and secure area within a dwelling unit and shall not be visible to the public.
- ii. All such uses shall not cause odors, smoke, heat, glare or light that is detectable to a person of normal senses beyond the property line of the property upon which the use is being conducted, or in an adjacent dwelling unit or public area.

**3. Application to Existing Uses**

Notwithstanding any provisions of Section 6-4, Nonconformities, all marijuana land uses are subject to all restrictions contained within this Section 3-3.4.L including those

uses that were in existence prior to the adoption of this Section 3-3.4.L including any amendments thereto, except, and to the extent, that state or federal law requires that the marijuana land uses be exempt from such restrictions.

**R. OFFICE<sup>157</sup>**

Research and development offices with an outdoor use are not permitted in the B-5 zone district and are subject to use by special review in the B-4 zone district.

**S. OUTDOOR SALES<sup>158</sup>**

1. Outdoor sales yards in the B-4, B-5, I-1 and I-2 zone districts may not include concrete mixing, creosote, or asphalt operations.
2. Outdoor sales yards may not include asphalt and concrete operations in the SBC-O District.

**T. RETAIL SALES, SMALL**

1. Any Small Retail Sales that operates between 12:00 A.M. and 6:00 A.M. shall require a use by Special Exception.<sup>159</sup>
2. In the I-1 and I-2 zone districts:<sup>160</sup>
  - a. Small Retail Sales are limited to 25 percent of the gross floor area.
  - b. Small Retail Sales exceeding 25 percent of the gross floor area may be permitted by a Use by Special Exception provided the commodity being sold is manufactured, processed, fabricated and/or warehoused only on the premises.

**U. RETAIL SALES, MEDIUM AND LARGE**

In the I-1 and I-2 zone districts:<sup>161</sup>

1. Medium and Large Retail Sales are limited to 25 percent of the gross floor area.
2. Medium and Large Retail Sales exceeding 25 percent of the gross floor area may be permitted by a Use by Special Exception provided the commodity is manufactured, processed, fabricated and/or warehoused only on the premises.

**V. SEXUALLY-ORIENTED BUSINESSES<sup>162</sup>**

**1. Intent**

To provide suitable potential locations for sexually-oriented businesses in a manner that minimizes the harmful secondary effects associated with such establishments and this is consistent with the health, safety and welfare of the community.

**2. General Provisions**

- a. No person may operate or cause to be operated a sexually- oriented business on a property with a PUD zoning designation, unless such use was specifically listed in the PUD approval prior to the enactment of this Section.<sup>163</sup>
- b. No person may operate or cause to be operated a sexually-oriented business within 1,000 feet of:

<sup>157</sup> Carried forward current Section 3-3.4.G.

<sup>158</sup> Carried forward current Section 3-3.4.C.

<sup>159</sup> Current requirement for Convenience Stores with 24-hour operations and changed from Special Review to Special Exception.

**STAFF:** Does this requirement need to be applied to medium and large retail sales?

<sup>160</sup> Carried forward current Section 3-3.4.H.

<sup>161</sup> Carried forward current Section 3-3.4.H.

<sup>162</sup> **STAFF:** This section would need to be modified if you moved forward with separating sexually-oriented businesses into entertainment and retail uses.

<sup>163</sup> **STAFF:** What was the effective date of this section to add to this provision?

- i. Any Quasi-Public Use;<sup>164</sup>
  - ii. Any school meeting all requirements of the compulsory education laws of the state;
  - iii. The boundary of any residential zoning district;
  - iv. Any dwelling unit;
  - v. A public park adjacent to any residential zoning district; or,
  - vi. A licensed child-care center
- c. No person may operate or cause to be operated a sexually-oriented business within 1,000 feet of another sexually-oriented business.
- d. No person may cause or permit the operation, establishment or maintenance of more than one sexually-oriented business within the same building or structure or portion of a building or structure.
- e. For purposes of this Section, the distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures or streets, from the closest exterior structural wall of each business.
- f. For purposes of this Section 3-3.4.V, the distance between any sexually-oriented business and any church, school, child-care center, public park, dwelling unit (single or multiple) or residential zoning district shall be measured in a straight line, without regard to intervening structures or objects from the nearest property line of the property on which the sexually-oriented business is conducted to the nearest property line of the premises of a church, school, child-care center, or dwelling unit (single or multiple), or the nearest boundary of an affected public park or residential zoning district.
- g. Any sexually-oriented business lawfully operating on or before April 2, 2001,<sup>165</sup> that is in nonconformance with this Section 3-3.4.V shall have six months to cease operations and after such time all nonconforming sexually-oriented businesses must be in compliance with this Section. Notwithstanding the above, the Board of Adjustment shall grant an extension of time during which a sexually-oriented business in violation of this Section will be permitted to continue upon a showing by a preponderance of the evidence, which is credible and which to the extent practical meets the admissibility standards of the Colorado Rules of Evidence, that the owner of the business has not had a reasonable time to recover the initial investment in the business that was made or irrevocably committed to prior to the date of the enactment of this Section. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his or her initial financial investment in the business. The procedure for obtaining permission to continue the business from the Board of Adjustment shall be the same procedure as for variances. The Board of Adjustment shall have the right to refer any evidence submitted to the Arapahoe County Finance Department or any other department or agency for its review and comment, and may continue any hearing as necessary to do so. Any application for an extension must be submitted on or before the last day of the six month amortization period, and such application shall toll the deadline for ceasing the non-conforming use until such time as the Board of Adjustment renders

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<sup>164</sup> Revised from Church. **STAFF:** Please consider whether this should be revised to "Religious Institution", which is included in the definition of a Quasi-public Use.

<sup>165</sup> **STAFF:** Can this paragraph 7. be deleted as the six-month time period has expired for nonconforming businesses to come into compliance?

its decision. A sexually-oriented business in violation of this Section may continue during any extension period granted by the Board of Adjustment unless the business is sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such business shall not be enlarged, extended, or altered except that the business may be brought into compliance with this Section .

- h. If two or more sexually-oriented businesses are within 1,000 feet of another and are otherwise in a permissible location, the sexually-oriented business which was first established and continually operating at its particular location will be deemed to be in compliance with this Section and the later established business(es) will be deemed to be in violation of this Section 3-3.4.V.
- i. A sexually-oriented business lawfully operating is not rendered in violation of this Section by the subsequent location of a church, school, child-care center, dwelling unit (single or multiple), public park, or residential zoning district within 1,000 feet of the sexually-oriented business.

**W. MINOR PUBLIC UTILITY FACILITY<sup>166</sup>**

- 1. An application for a minor public utility facility shall comply with Section 5-7.3, Location and Extent, of this LDC.
- 2. Underground utilities are permitted so long as adequate cover exists to protect the utilities.

**X. MAJOR PRIVATE ELECTRICAL, NATURAL GAS, AND PETROLEUM-DERIVATIVE FACILITIES**

This use must comply with the “Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations)”<sup>167</sup>.

**Y. MAJOR PUBLIC UTILITY FACILITY**

This use must comply with the “Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations)”.

**Z. SMALL WIND ENERGY CONVERSION SYSTEMS<sup>168</sup>**

**1. General Requirements**

- a. All requests for the installation of small wind energy conversion systems shall be submitted to the PWD Building Division, with referrals to the Current Planning Section, Engineering Services Division, and Zoning Section, and shall be accompanied by a dimensioned site plan showing:
  - i. Property lines.
  - ii. Proposed location of the tower, including setbacks and height information.
  - iii. Location of all existing structures.
  - iv. All above-ground utility lines.
  - v. Location of trees or other vegetation described by size and type.
  - vi. Existing easements<sup>169</sup>
- b. The maximum tower height allowed in any zone district shall be 120 feet.

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<sup>166</sup> **STAFF:** Please review this requirement in light of the new definition of this use; most communities would not require Location and Extent Review for all of these uses (particularly underground facilities and those covered by a franchise or license agreement).

<sup>167</sup> New, reflecting the applicability of these regulations pursuant to Section 3-5.B and C.

<sup>168</sup> Deleted current Section 3-3.8.B.1. Intent statements are not typically included in use-specific standards because they are not regulatory.

<sup>169</sup> **STAFF:** We recommend deleting paragraph a. and moving the requirements into the Development Application Manual.

- c. Small wind energy conversion systems shall be located at least one times the height of the supporting tower from all property lines, and from any overhead utility lines.
  - d. For “horizontal axis” small wind energy conversion systems, the minimum allowable height above-ground for any portion of the rotor or blades shall be 30 feet.
  - e. Climbing access to the structure shall be limited either by means of a six foot high fence around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than 12 feet above the ground.
  - f. Wind energy conversion systems shall not create a detrimental effect on adjacent properties through electromagnetic interference (EMI) or noise (not to exceed maximum permissible noise levels at the property line as stated in CRS 25-12-103 for the respective zoned districts).
  - g. The SWECS shall not be located along the major axis of an existing microwave communications link nor placed where it may interfere with existing and/or proposed airport facility aids (ILS, NDB, etc.) where the operation of the system is likely to produce an unacceptable level of electromagnetic interference.
  - h. Small wind energy conversion systems installed in accordance with the requirements of this Section 3-3.4.Z shall not generate power as a commercial enterprise as defined by the Public Utilities Commission (PUC) or the Federal Energy Regulatory Commission (FERC). Any wind energy system that generates power as a commercial enterprise as defined the PUC or FERC is subject to, at a minimum, a 1041 permit or a Use by Special Review.
2. **Procedure**<sup>170</sup>
- a. Applicants requesting installation of a small wind energy conversion system shall contact the utility company which has jurisdiction over the parcel of land where the proposed system is to be located (Public Service, IREA).
    - i. The affected utility shall set forth requirements for the proposed interconnection in compliance with the provisions of the Public Utilities Commission or applicable utility company. Such requirements may include, but not be limited to system specifications, metering, disconnect and emergency features, maintenance, insurance and safety factors.
    - ii. Upon the utility’s review of the proposed system, the landowner/authorized representative shall submit a “letter of intent to interconnect” to the PWD Building Division, which has been signed by the utility company. This requirement shall be waived if no interconnection is proposed.
  - b. The landowner/authorized representative shall receive and submit to the PWD Building Division a letter of certification from a registered structural engineer, which verifies the structural integrity of the supporting tower for its ability to withstand structural and wind loads in compliance with the Uniform Building Code.

**AA.SEWAGE DISPOSAL TREATMENT PLANT**

An application for a sewage disposal treatment plant must comply with the “Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations)”.

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<sup>170</sup> **STAFF:** Similar to the Certificate of Designation, it is unusual to find these kind of procedural elements in the LDC. We recommend moving it to the Development Application Manual.



**BB. WATER TREATMENT PLANT**

An application for a water treatment plant must comply with the “Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations)”.

**CC. INJECTION WELLS<sup>171</sup>**

1. Commercial injection wells are subject to obtaining the required “Certificate of Designation.”
2. Injection well sites shall be located adjacent to paved arterial roads.
3. Hours of operation shall be limited to 7:00 am to 7:00 pm.

**DD. RECYCLING COLLECTION FACILITY<sup>172</sup>**

In all districts except the I-2, the facility may not include the processing of recycled materials for further transfer or reuse, except for can banks that crush cans as they are deposited.

**EE. SOLID WASTE DISPOSAL AND RESOURCE RECOVERY OPERATION<sup>173</sup>**

Solid Waste Disposal Sites and Facilities and Resource Recovery Operations are subject to obtaining the required “Certificate of Designation.”

**3-3.5. Wireless Communication Facilities (WCF)<sup>174</sup>**

**A. INTENT<sup>175</sup>**

The intent of this section is to:

1. Provide for the managed development, installation, maintenance, modification, and removal of wireless communications infrastructure in the county, that uses the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs;<sup>176</sup>
2. Accommodate the wireless communication needs of the county residents, businesses, and visitors, while protecting the public health, safety, general welfare, and visual environment of the county;
3. Enhance the ability to provide wireless services to county residents, businesses and visitors, while using performance standards and incentives to promote location of WCFs on concealed structures and existing buildings;
4. Ensure that WCFs minimize adverse visual impacts through careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
5. Encourage the joint use of new and existing WCF locations and reduce the number of towers needed to serve the county by requiring facilities to be placed on existing

<sup>171</sup> Deleted reference to “all applicable state requirements.” **STAFF:** New Section 3-1.4 requires all uses to have all applicable state and federal licenses and permits in place at all times, so we generally don’t repeat these requirements for different uses. Do you want to keep the reference to the Certificate of Designation?

<sup>172</sup> New use and standards.

<sup>173</sup> Deleted reference to “all applicable state requirements.” Deleted reference to Commercial Sanitary Landfill and Recycling Operations (which are no longer uses).

<sup>174</sup> Replaces “Commercial Mobile Radio Service (CMRS) facilities.” This section has been significantly reorganized and revised to simplify and modernize the regulations to better align with current industry standards. All provisions related to review procedures have been relocated to Section 5-3.7 with a general cross reference added to these standards. The current facility types of “attached,” “freestanding non-concealed,” and “freestanding concealed” have been replaced with “Attached WCFs,” “Alternative Tower Structures,” and “towers” respectively.

<sup>175</sup> Carried forward current 3-3.8.A.1 unless otherwise noted.

<sup>176</sup> New.

structures and requiring collocation of WCF providers on existing and new towers to the maximum extent possible;

6. Encourage owners and users of WCFs to locate them in areas where the adverse impact to the community is minimized to the maximum extent practicable;<sup>177</sup>
7. Enhance the ability of wireless communications service providers to provide those services the community quickly, effectively, and efficiently;<sup>178</sup>
8. Comply with all federal laws and regulations regarding WCFs, including but not limited to regulations related to Eligible Facilities as defined by federal regulations; and
9. Effectively manage WCFs in the public right-of-way.<sup>179</sup>

**B. APPLICABILITY<sup>180</sup>**

**1. General**

- a. This Section 3-3.5 shall apply to all WCFs not located in County rights-of-way and to those attached non-small cell WCF permitted in the County rights-of-way pursuant to Section 3-3.5.E.2.a.i(e).
- b. WCFs that are not located in County rights-of-way are permitted as indicated in Section 3-2, Permitted Use Table.
- c. All WCFs shall conform to the provisions of the zoning district in which the WCF is located unless otherwise provided for in this Section 3-3.5.<sup>181</sup>
- d. Except as stated in Subsection h. below, all WCFs shall comply with the provisions in the approved Final Development Plan, Preliminary Development Plan, Master Development Plan, General Development Plan, or Specific Development Plan, as applicable.
- e. Except as stated in Subsection h. below, all WCFs shall comply with the provisions in the approved Location and Extent Plan, Administrative Site Plan, and Use by Special Review for the parcel, as applicable.
- f. These WCF regulations in this Section 3-3.5 shall apply where an approved Preliminary, Master, Final, General or Specific Development Plan, as applicable, does not address provisions addressed by these regulations.
- g. The Eligible Facilities Request procedure in Section 5-3.7.B.2 shall apply to all properties in the county, including, but not limited to, those in a PUD zone district, regardless of whether such WCFs are referenced in any Preliminary, Final, Master, General, or Specific Development Plan, as applicable.<sup>182</sup>

**2. Small Cell WCFs in the Right-of-Way<sup>183</sup>**

Small Cell WCFs within County rights-of-way are subject only to the standards set forth in Section 3-3.5.C, Operational Standards, of this LDC and Chapter 14, Small Cell Wireless Communication Facility (WCF) Regulations, of the Infrastructure Design and Construction Standards.

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<sup>177</sup> New.

<sup>178</sup> New.

<sup>179</sup> New.

<sup>180</sup> New applicability section to better align and clarify the requirements found in the Permitted Use Table and confirms regulations for Small Cell Facilities in the ROW are found in Chapter 14 of the IDCS. All types of PUD plans (prior and current LDC) are now listed in d., f., and g.

<sup>181</sup> Carried forward current 3-3.8.A.5.a.ii.

<sup>182</sup> New.

<sup>183</sup> New cross-reference to the County Small Cell Wireless in the ROW regulations.

**3. Exceptions<sup>184</sup>**

The requirements set forth in this Section 3-3.5 shall not apply to:

**a. Pre-Existing WCFs**

- i. Any WCF lawfully operating on the effective date of this section that is inconsistent with the provisions of this LDC shall be deemed a nonconforming use as provided for in this LDC.
- ii. Any WCF for which a permit has been properly issued prior to the effective date of this section shall not be required to comply with this Section 3-3.5, except:
  - (a) Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of this section.
  - (b) Any modifications to a pre-existing WCF that qualifies as an Eligible Facilities Request shall be evaluated under Section 5-3.7.B.2, Review Process for Eligible Facilities Requests .

**b. Amateur Radio Antennas**

Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided the antenna is no taller than the distance from the base of the antenna to the property line.

**c. OTARD and Similar Antennas**

Antennas used for reception of television, multichannel video programming, and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas, provided that the antenna complies with all applicable standards in this Code related to accessory uses, and provided the antenna is no taller than the distance from the base to the property line. The Planning Division Manager has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures if the Planning Division Manager determines that modifications are necessary to comply with federal law.

**d. Emergency Antennas**

A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the County.

**C. OPERATIONAL STANDARDS**

**1. Federal and State Requirements<sup>185</sup>**

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the federal or state government with the authority to regulate WCFs. If those standards and regulations are changed in the future, the owners of each WCF subject to this Section 3-3.5 shall bring the facility into compliance with the revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations within the required time period shall be a violation of this LDC and shall constitute grounds for the removal of the WCF by the County at the owner's expense.

<sup>184</sup> New. Standard exceptions found in wireless communication facilities.

<sup>185</sup> Replaces and expands current 3-3.8.A.3.a and 3-3.8.A.5.a.i.

2. **Radio Frequency Standards<sup>186</sup>**
  - a. All WCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the County, the County may request that the owner or operator of the WCF provide information demonstrating compliance. If the Planning Division Manager determines that the information suggests that the WCF may not be in compliance, the County may request the owner or operator of the WCF to submit a letter include a certification from a qualified engineer that the proposed WCF complies with all applicable radio frequency emission health standards.<sup>187</sup>
  - b. If, upon review, the County finds that the facility does not meet Federal standards, the County may require corrective action within 30 days or a period of time agreed to between the County and the WCF operator. If noncompliance is not corrected, the WCF may be removed pursuant to paragraph 5. below. Any costs incurred by the County, including consulting costs to verify compliance with these requirements, shall be paid by the owner or operator of the WCF.
3. **Signal Interference<sup>188</sup>**

All WCFs shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services used by adjacent residential and non-residential properties; and such facilities shall not interfere with any public safety communications.
4. **Operation And Maintenance<sup>189</sup>**

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable County building codes. If upon inspection the County concludes that a WCF fails to comply with any applicable codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall bring the WCF into compliance within 30 days from the date of notice. Upon good cause shown by the owner, the County's Chief Building Official may extend such compliance period not to exceed 90 days from the date of the notice. If the owner fails to bring such WCF into compliance within the required time period, the County may remove such WCF at the owner's expense.
5. **Abandonment and Revocation<sup>190</sup>**

All WCFs are subject to the abandonment and revocation procedures set forth in Section 6-1, Wireless Communication Facility (WCF).
6. **Hazardous Materials<sup>191</sup>**

No hazardous materials, as defined in C.R.S. 25-15-101 shall be permitted in association with WCFs, except those necessary for the operations of WCF and only in accordance with all applicable laws governing such materials.<sup>192</sup>

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<sup>186</sup> New.

<sup>187</sup> Certification language matches the requirement for Small Cell WCFs in the IDCS.

<sup>188</sup> New.

<sup>189</sup> New.

<sup>190</sup> New cross reference to existing section.

<sup>191</sup> New.

<sup>192</sup> Added reference to the Colorado Waste Act.

**D. PREFERRED WCF TYPE<sup>193</sup>**

The County's preferred types of WCF are listed below in order of preference, the County's highest preference listed first. The applicant shall choose the type of facility highest in preference that provides the type of service required, to the maximum extent practicable, and shall demonstrate during the application process that there are no feasible options to install a WCF listed as a higher preference in the list below.

1. Attached WCFs
2. Alternative Tower Structures
3. Towers

**E. DESIGN STANDARDS<sup>194</sup>**

**1. Design Standards for All WCFs**

The following design standards shall apply to all WCFs subject to this Section 3-3.5, provided, however, that the Planning Division Manager may waive any of these standards if the Manager determines that the Intent in stated in Section 3-3.5.A are better served by the waiver. WCFs shall be designed and located to minimize impact on the surrounding area and to maintain the appearance of the county, consistent with other provisions of this LDC and the following:

**a. Camouflage or Concealment Techniques<sup>195</sup>**

All WCFs and any related transmission equipment shall, to the extent technically feasible, use camouflage design techniques and not be readily visibly apparent. Techniques may include but are not limited to the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting and/or built environment. Design, materials, and colors of WCFs shall be visually similar to or minimize the visibility of the WCF within the surrounding environment. Designs shall be compatible with structures and vegetation on sites located in the right-of-way and on adjacent parcels and comply with the following:

- i. Camouflage design is of heightened importance when a WCF is near historic or aesthetically significant structures, views, and/or community features. In those instances the WCFs shall be designed to minimize the WCF profile to the maximum extent practicable.
- ii. The camouflage design may include the use of Alternative Tower Structures if the Planning Division Manager determines that such design meets the intent of this Section 3-3.5 and that the community is better served by an Alternative Tower Structure.
- iii. All WCFs shall be constructed so that visible exterior surfaces are finished with non-reflective materials.

**b. Signage<sup>196</sup>**

Signage is limited to non-illuminated signs required by local, state, or federal law, not to exceed six feet in height and a maximum of six square feet in area. This does

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<sup>193</sup> New.

<sup>194</sup> Did not carry forward "The height and location of CMRS facilities in the O zone district are especially to be reviewed."

<sup>195</sup> Replaces current 3-3.8.A.5.c.i(c), iv.(a), 3-3.8.A.2.b.i and 4.b.ii.

<sup>196</sup> Carried forward current 3-3.8.A.5.d.iii.

not apply to Alternative Tower Structures incorporated into freestanding signs, as otherwise permitted in this LDC.

**c. Accessory Uses<sup>197</sup>**

No WCFs may include occupied offices, long-term vehicle storage or other outdoor storage, or other uses not needed to send, receive, or relay transmissions.

**d. Collocation<sup>198</sup>**

- i. No WCF provider shall exclude other providers from collocating on the same facility or location when collocation is structurally and technically possible, or when approval of the collocation is required by federal regulations related to Eligible Facilities Requests.
- ii. When requested, the applicant shall provide written documentation demonstrating that collocation was refused or provide evidence that collocation is not possible before attempting to locate an additional WCF on a parcel of land that does not currently have a WCF. The County may require a third-party technical study at the expense of either or both parties to determine the feasibility of collocation. If a study is requested by the County, it shall be conducted at a reasonable cost and with minimum necessary effort to make a determination regarding the technical possibility of collocation.

**e. Lighting**

- i. WCFs shall not be artificially lighted, unless required by the FAA or other governmental authority for security or other purposes, or unless the WCF is mounted on a light pole, sports field lighting, or other similar structure primarily used for lighting purposes.<sup>199</sup>
- ii. If lighting is required by a governmental authority, the County may review the available lighting alternatives and approve the design that would cause the least disturbance to surrounding views. Lighting shall be shielded or directed toward the ground to minimize glare and prevent light falling onto nearby properties, particularly residences.<sup>200</sup>

**f. Noise<sup>201</sup>**

- i. Any noise generated on the site shall not be measurable at any property line and shall not otherwise exceed the standards permitted by C.R.S. 25-12-103.
- ii. Subsection i above shall not prohibit:
  - (a) Noise emitted for a period of up to two hours while repairs or regular maintenance or upkeep of the WCF are completed; or

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<sup>197</sup> Carried forward current 3-3.8.A.5.d.iv.

<sup>198</sup> Expanded current 3-3.8.A.5.e.i to apply to all WCF types, rather than only freestanding facilities as stated in current LDC. Did not carry forward e.iii, "In addition to equipment proposed for the applicant's use, proposed CMRS facilities sites must be designed to accommodate co-location of one additional CMRS provider for every 40-foot segment of the structure's height over 40 feet", e.iv, "With respect to any application for new CMRS facilities, the County may reduce the required shared capacity if sharing of such CMRS facility dominates and adversely alters the area's visual character", and d.ii "Collocation of WCFs shall not be required when it would materially compromise the camouflage design intent of the WCFs".

<sup>199</sup> Consolidates 3-3.8.A.5.c.ii(b) and iii(a). Expands prohibition on artificial lighting to all WCF types (currently only applicable to non-concealed freestanding facilities).

<sup>200</sup> Replaces 3-3.8.A.5.c.iii(b) "Security lighting on the CMRS facility may be mounted up to 15 feet high and must be directed toward the ground to reduce light pollution, to prevent offsite light spillage and avoid illuminating the tower."

<sup>201</sup> Replaces and simplifies current 3-3.8.A.5.c.iv(c) and expands applicability to all WCFs where current standards apply only to ground-based equipment.

- (b) Generators used in emergency situations where the regular power supply for a facility is temporarily interrupted.

**g. Landscaping and Screening<sup>202</sup>**

- i. The siting of WCFs shall not reduce the area required to be landscaped under this LDC.<sup>203</sup>
- ii. All landscaping shall comply with the applicable landscaping requirements of this LDC.
- iii. Existing vegetation, except noxious weeds, and grades on the site shall be preserved to the maximum extent practicable.
- iv. When any part of a WCF is visible from the public right-of-way or adjacent properties, it shall be screened from public view in a manner consistent with the camouflage and concealment methods described in paragraph a., above.<sup>204</sup> Screening may include the use of architectural elements, fencing, landscaping, or other suitable screening methods for the site.
- v. If used to screen a WCF, fencing may be up to six feet in height and shall be a solid fence constructed of materials of quality and design similar to that used for any primary buildings on the site. The use of chain link fencing to screen WCFs is prohibited.
- vi. Landscaping in the ROW may require review by the Engineering Services Division and approval of any necessary license agreements.

**h. Fire Protection<sup>205</sup>**

All WCFs shall be sited and built to address International Fire Code standards as adopted by the fire protection district with jurisdiction over the facility, and if in a mapped wildfire hazard area shall provide defensible space and adequate vehicle access for emergency equipment.

**2. Design Standards by WCF Type**

**a. Attached WCFs<sup>206</sup>**

**i. LOCATION<sup>207</sup>**

- (a) To the maximum extent practicable, Attached WCFs shall be located on existing structures, including but not limited to buildings, water towers, broadcast towers, and related facilities.<sup>208</sup>
- (b) No WCF shall be placed on buildings used for single-family residential purposes in any zone district.<sup>209</sup>
- (c) In the RR-B, RR-C, R-1-A, and R-M districts, and in the residential component of PUD districts, Attached WCFs shall only be installed on lots containing

<sup>202</sup> Carried forward 3-3.8.A.5.d.i and ii unless otherwise noted.

<sup>203</sup> New.

<sup>204</sup> Removed "appropriate to the context of the site and in harmony with the character of the surrounding environment" for a more objective standard.

<sup>205</sup> New.

<sup>206</sup> Replaces "attached facilities."

<sup>207</sup> Carried forward 3-3.8.A.4.b.i..

<sup>208</sup> Deleted the final phrase "provided that such installation preserves the appearance and integrity of those structures" since mandatory camouflaging standards will ensure that.

<sup>209</sup> Carried forward current 3-3.8.A.4.d.

allowed primary Civic, Cultural, or Public Uses, as shown in Section 3-2, Permitted Use Table.

- (d) In all agricultural and residential districts, including the residential component of PUD districts, Attached WCFs are prohibited on Accessory Dwelling Units, Live/Work, Single-Family Detached, Single-Family Detached Cluster, Townhome, Two-Family, Manufactured Home, and Mobile Home Dwellings structures, whether occupied by Household Living or Group Living uses.
- (e) Attached WCFs may be located in County rights-of-way, on a case-by-case basis and subject to review and approval from the Public Works and Development Department and the approval of a right-of-way permit. Attached WCFs may be allowed on an existing traffic signal light pole, street light standard, utility pole, or other vertical infrastructure, or on a replacement traffic signal light pole, street light standard, utility pole, or other vertical infrastructure, provided that:<sup>210</sup>
  - (i) The facility is not a Small Cell Facility as defined in this LDC;
  - (ii) The owner of the vertical infrastructure approves the use;
  - (iii) The facility does not exceed the height of the existing infrastructure on which it is mounted by more than eight feet;
  - (iv) The facility meets the required setbacks for similar structures as determined by the Public Works and Development Department based on considerations of public and traffic safety requirements;<sup>211</sup>
  - (v) The facility meets all applicable standards of the Infrastructure Design and Construction Standards<sup>212</sup>;
  - (vi) The facility is structurally and visually similar to existing vertical infrastructure; and
  - (vii) The facility continues the function of the existing vertical infrastructure.

**ii. HEIGHT AND SETBACKS**

- (a) Attached WCFs and associated ground-based equipment may encroach up to 24 inches into the minimum building setbacks in the underlying zoning district but shall not extend over any property line in separate ownership.<sup>213</sup>
- (b) Roof-mounted WCFs, including the antenna, transmission equipment, support structures and screening, may extend up to 15 feet over the height of the building or structure and may exceed the maximum height of the underlying zoning district by up to 15 feet, subject to any FAA height restrictions if located within an Airport Influence Area (AIA).<sup>214</sup>

**iii. DESIGN<sup>215</sup>**

Attached WCFs shall meet the camouflage and concealment standards in Section 3-3.5.E.1.a. Antennas shall be located, painted and/or screened to be architecturally and visually similar to or minimizes the visibility of the WCF on

<sup>210</sup> Carried forward 3-3.8.A.4.c.

<sup>211</sup> Carried forward current 3-3.8.A.5.b.(c). Wording modified for clarity.

<sup>212</sup> New reference to the IDCS.

<sup>213</sup> Carried forward 3-3.8.A.5.b.i(a).

<sup>214</sup> Carried forward 3-3.8.A.5.c.i(a) and (b).

<sup>215</sup> Expanded 3-3.8.A.5.c.i(c) to reference the new camouflage and concealment standards.



the building or structure it is attached to unless prohibited by state or federal requirements for that type of WCF.

**b. Alternative Tower Structures**

**i. LOCATION<sup>216</sup>**

(a) An Alternative Tower Structure shall only be approved if the Planning Division Manager determines that the applicant has born the burden of proving that there are no feasible existing structures upon which to locate an Attached WCF.

**ii. ALTERNATIVE TOWER STRUCTURES ARE PROHIBITED ON ANY PROPERTY CONTAINING A PRINCIPAL RESIDENTIAL USE IN THE RR-A ZONE DISTRICT.<sup>217</sup> HEIGHT AND SETBACKS**

- (a) Alternative Tower Structures shall be subject to the maximum height limitations of the underlying zone district.
- (b) When an Alternative Tower Structure is incorporated into an overall photometric plan, such as an Alternative Tower Structure being included on a parking lot light pole or on sports field lighting, the facility height shall be consistent with the pole height used for the parking lot or sports field..<sup>218</sup>
- (c) In all zone districts except the A-E and A-1 zoning districts, all Alternative Tower Structures shall be set back from each property line at least a distance equal to the tower height, or the minimum primary building setback in the underlying zoning district, whichever is greater.
- (d) As an exception to Subsection (c) above, when included as part of a public utility substation or attached to a high-tension power line tower within a utility corridor, the Alternative Tower Structure setback may be the same as the setback for the existing high-tension power line tower or substation..<sup>219</sup>
- (e) An alternative setback may be approved by the Planning Division Manager, if the Manager determines that it complies with the following standards:<sup>220</sup>
  - (i) The proposed Alternative Tower Structure will replace an accessory structure to an established principal use including but, not limited to, signs, light poles, and flagpoles;
  - (ii) The required setback is at least 70 percent of the original required setback; and
  - (iii) The siting and location of freestanding facility substantially camouflages or conceals the presence of the Alternative Tower Structure and antennas from view and has less visual impact than would be achieved by applying the setback otherwise required by (a) through (e) above.

**iii. DESIGN<sup>221</sup>**

(a) If the applicant demonstrates that it is not feasible to locate a WCF on an existing structure, the Alternative Tower Structures shall meet the

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<sup>216</sup> Replaces 3-3.8.A.4.b.ii. Standard related to design moved into applicable subsection of Alternative Tower Structures and examples of freestanding facilities moved into the definition of Alternative Tower Structure.

<sup>217</sup> New.

<sup>218</sup> Carried forward current 3-3.8.A.5.c.ii. Repetitive text deleted.

<sup>219</sup> Carried forward 3-3.8.A.3.b.

<sup>220</sup> Carried forward current 3-3.8.A.5.b.ii(a).

<sup>221</sup> Carried forward current 3-3.8.A.4.b.ii and 3-3.8.A.5.c.ii(a).

camouflage and concealment standards set forth in Section 3-3.5.E.1.a. The structure shall be visually similar to or minimize the visibility of the WCF within the surrounding area and camouflage or conceal the presence of the Alternative Tower Structure and antennas. The structure shall be painted or coated in a color that blends with the surrounding building and natural environment, unless state or federal regulations require different colors.

- (b) If the parcel on which an Alternative Tower Structure is located has frontage on a public street, street trees shall be planted along the roadway to provide additional screening.

**c. Towers**

**i. LOCATION<sup>222</sup>**

- (a) A new Tower shall only be approved if the Planning Division Manager determines that the applicant proved that there are no feasible existing structures upon which to locate an Attached WCF and that an Alternative Tower Structure is also not feasible.
- (b) Towers are prohibited on any property containing a principal residential use in the A-E, A-1, and RR-A zone districts.

**ii. HEIGHT AND SETBACKS**

- (a) Towers shall be subject to the maximum height limitations of the underlying zone district.
- (b) Towers in the A-E, A-1 RR-A, B-1, B-3, B-4, B-5, I-1, and I-2 zone districts that exceed the maximum height limitations of the underlying zone district may apply for a Special Exception Use Permit through the Board of Adjustment.<sup>223</sup>
- (c) Towers shall comply with the following minimum setbacks:<sup>224</sup>
  - (i) From property lines of properties in the business and industrial zone districts, at least 30 percent of the Tower height or the minimum building setbacks in the underlying zone district, whichever is greater.
  - (ii) From property lines of properties in the residential and agricultural zone districts and mixed-use zone districts with a residential component: a distance equal to the Tower height or the minimum building setbacks in the underlying zone district, whichever is greater.

**iii. DESIGN**

- (a) If the parcel on which a Tower is located has frontage on a public street, street trees shall be planted along the roadway to provide additional screening.
- (b) A Tower shall be painted gray, silver, or other neutral color common to utility structures, unless otherwise required by state or federal regulations.

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<sup>222</sup> Carried forward current 3-3.8.A.4.b.iii, excluding the examples of tower structures which have been relocated to the definition.

<sup>223</sup> Carried forward current 3-3.8.A.3.c.

<sup>224</sup> Carried forward current 3-3.8.A.5.b.iii.

**d. Accessory and Transmission Equipment<sup>225</sup>**

**i. LOCATION**

- (a) All transmission and accessory equipment shall be grouped as closely as technically possible.
- (b) Ground-based equipment may be located within the rights-of-way on a case-by- case basis, if the Manager of Public Works determines that the location will protect the public health, safety and welfare of persons and vehicles using the public right-of-way.

**ii. SETBACKS**

All ground-based equipment shall meet the setbacks applicable to principal structures in the underlying zone district, unless an alternative setback is established for an Alternative Tower Structure.

**iii. DESIGN<sup>226</sup>**

- (a) Transmission and accessory equipment, including equipment enclosures, shall be visually similar to the architectural style of the surrounding building environment with consideration given to exterior materials, roof form, scale, mass, color, texture and character.
- (b) All roof-mounted equipment shall be screened from view from grade-level on each street abutting the property view.<sup>227</sup>
- (c) Ground-based equipment must be constructed with materials that are visually similar to the materials of the principal use.
- (d) The maximum total footprint of each service provider's ground-based equipment storage shelter and/or cabinets shall not exceed 400 square feet and the maximum height of each equipment storage shelter and/or cabinet shall not exceed 15 feet in height.<sup>228</sup> The Planning Division Manager may approve a request to increase the maximum allowable footprint of each service provider's equipment storage shelter and/or cabinets otherwise meeting the requirements of this section, provided that:
  - (i) The amount of increase in the footprint of the ground-based equipment approved by the Planning Division Manager shall not exceed 30 percent of the maximum allowable footprint area; and
  - (ii) The Planning Division Manager determines that the applicant has demonstrated that a single, larger equipment enclosure would better integrate into the architecture and site design for the property where the equipment is to be located than multiple smaller cabinets for co-located facilities; that efforts have been made to incorporate the ground-based equipment into the design of the buildings and grounds for the principal use of the property; and that landscaping or other mitigating design elements have been included to enhance the visual appearance of the property and/or mitigate negative impacts from the larger ground-based equipment enclosure.

<sup>225</sup> Expanded from ground-based equipment. Wording revised for clarity.

<sup>226</sup> Carried forward current 3-3.8.A.5.c.iv. unless otherwise noted. Updated references to "compatible" with "visually similar" for consistency with prior standards.

<sup>227</sup> New.

<sup>228</sup> Clarified this standard is only applicable to ground-based equipment enclosures.

**F. REVIEW PROCEDURES**

All WCF applications shall follow the review procedures set forth in Section 5-3.7, Wireless Communication Facilities (WCF) Procedures.

**G. WCF-RELATED DEFINITIONS<sup>229</sup>**

The following terms shall have the following definitions when used in the context or regulating WCFs or applying the standards in Section 3-3.5: Wireless Communications Facilities.

**1. Accessory Equipment<sup>230</sup>**

Any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or other structures including fences.

**2. Alternative Tower Structure<sup>231</sup>**

Man-made trees, clock towers, bell steeples, light poles, traffic signals, flagpoles, artistic structures, and similar alternative design mounting structures, including attached antennas and antenna arrays. A stand-alone monopole (including a replacement pole) in the right-of-way that accommodates Small Cell Facilities is not considered an Alternative Tower Structure.

**3. Antenna<sup>232</sup>**

Any device used to transmit and/or receive radio or electromagnetic waves including but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

**4. Attached Wireless Communication Facility (WCF)<sup>233</sup>**

A WCF that is affixed to an existing or proposed structure, including, but not limited to, buildings, water tanks, traffic signal light standard, utility poles, and broadcast towers.

**5. Collocation<sup>234</sup>**

The mounting or installing of a WCF on a pre-existing structure and/or the modification of a structure for the purpose of mounting or installing a WCF on that structure provided that, for purposes of Eligible Facilities Requests, "collocation" means the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes.

**6. Concealment Element<sup>235</sup>**

Any design element that places a wireless communications facility out of view, hides it from being noticed, blends it with its surroundings or otherwise minimizes the visual or

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<sup>229</sup> Numerous definitions have been reworded for clarity, and substantive regulations have been removed from the definitions.

<sup>230</sup> New.

<sup>231</sup> New. Replaces current definition of concealed freestanding facility.

<sup>232</sup> Replaces current definition.

<sup>233</sup> Carried forward definition for attached facility.

<sup>234</sup> Replaces current definition.

<sup>235</sup> New.

aesthetic impact of the facility is a Concealment Element of an Eligible Support Structure.

7. **Eligible Facilities Request<sup>236</sup>**  
Any request for modification of an existing Tower, Alternative Tower Structure, or Attached WCF that does not substantially change the physical dimensions of such Tower, Alternative Tower Structure, or Attached WCF involving: (i) collocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.
8. **Eligible Support Structure<sup>237</sup>**  
Any Tower, Alternative Tower Structure, or Attached WCF, if it is existing at the time the relevant WCF application is filed with the County under Section 5-3.7, Wireless Communication Facilities (WCF) Procedures.
9. **Existing Tower, Alternative Tower Structure, or Attached WCF<sup>238</sup>**  
A constructed Tower, Alternative Tower Structure, or Attached WCF that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law at the time it was built. For example, a Tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.
10. **Guyed Tower<sup>239</sup>**  
A non-self-supported tower using a guy wire support framework under tension on a concrete base.
11. **Lattice Tower<sup>240</sup>**  
A multi-legged freestanding framework tower with structural support provided by the framework sections of the tower. Each leg of the lattice tower has a separate concrete foundation.
12. **Micro Wireless Facility<sup>241</sup>**  
A Small Cell Facility that is no larger than 24 inches long, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, no longer than 11 inches.
13. **Monopole<sup>242</sup>**  
A single, freestanding pole-type structure supporting one or more antennas.
14. **Over-The-Air-Receiving-Device (OTARD) Antenna<sup>243</sup>**
  - a. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or
  - b. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or
  - c. An antenna that is designed to receive television broadcast signals.

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<sup>236</sup> New.

<sup>237</sup> New.

<sup>238</sup> New.

<sup>239</sup> Carried forward current definition.

<sup>240</sup> Carried forward current definition.

<sup>241</sup> New.

<sup>242</sup> Replaces current definition.

<sup>243</sup> New.

**15. Readily Apparent<sup>244</sup>**

A WCF that the Planning Division Manager determines will be easily recognizable as a WCF to a reasonable person able to view the facility as a whole and in the context of any adjacent improvements and landscaping from publicly accessible locations, based on the Manager's review of the character, scale, and height of nearby and surrounding natural or architectural features. Due to differences in site characteristics, a determination that a particular WCF will not be readily apparent at one location shall not establish a precedent for the same determination for a facility of the same or similar design or construction at a different location.

**16. Setback<sup>245</sup>**

The distance between a property line and the nearest point on an Alternative Tower Structure or Tower, including the structural foundation, antennas, reflectors, dishes and other appurtenances.

**17. Site<sup>246</sup>**

The area comprising the base of the WCF structure and related accessory equipment deployed on the ground, and including any area leased to accommodate the WCF.

**18. Small Cell Facility<sup>247</sup>**

- a. A wireless service facility that meets both of the following qualifications:
  - i. Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
  - ii. Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch; or
- b. A Micro Wireless Facility.

**19. Substantial Change<sup>248</sup>**

A modification that substantially changes the physical dimensions of an Eligible Support Structure if, after the modification, the structure meets any of the following criteria:

- a. For Towers, other than Alternative Tower Structures in the right-of-way or other towers in the right-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other Eligible Support Structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
- b. For Towers, other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more

<sup>244</sup> New.

<sup>245</sup> Removed reference to Attached WCF and replaced "footprint" with "nearest point on." Added structural foundation to the list of structural elements for clarification.

<sup>246</sup> New.

<sup>247</sup> Definition from IDCS.

<sup>248</sup> New.

than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;

- c. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the right-of-way and Attached WCFs, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;
  - d. For any Eligible Support Structure, it entails any excavation or deployment outside the current site;
  - e. For any Eligible Support Structure, it would defeat the Concealment Elements of the Eligible Support Structure. A change which undermines the Concealment Elements of an Eligible Support Structure will be considered to defeat the Concealment Elements; or
  - f. For any Eligible Support Structure, it does not comply with conditions associated with the siting approval of the construction or modification of the Eligible Support Structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (A.), (B.), and (C.) of this definition. For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the Tower, Alternative Tower, or Attached WCF, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.
20. **Temporary Wireless Communication Facility (WCF)**<sup>249</sup>  
A WCF designed for use while a permanent WCF or network is being designed or built or for a special event where many people attending require wireless communications.
21. **Toll and Tolling**<sup>250</sup>  
Toll and tolling shall mean to delay, suspend or hold off on the imposition of a deadline, statute of limitations or time limit.
22. **Tower**<sup>251</sup>  
Any structure built for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private broadcast services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Structures may include lattice towers, monopole towers, guyed towers, or other freestanding facilities that do not meet the definition of Alternative Tower Structure or Small Cell Facility.

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<sup>249</sup> Carried forward current definition of Temporary Antenna Tower.

<sup>250</sup> New.

<sup>251</sup> Replaces definition of non-concealed freestanding facility.

**23. Transmission Equipment<sup>252</sup>**

Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

**24. Wireless Communications Facility (WCF)<sup>253</sup>**

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment, Alternative Tower Structures and towers. A WCF does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. A WCF does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this LDC.

**3-3.6. Temporary Structures and Uses<sup>254</sup>**

**A. TEMPORARY RESIDENTIAL SALES OR LEASING OFFICE**

This use shall comply with the following standards:

1. Sales and leasing shall be limited only to those units within the platted subdivision, building, or development in which the office is located.
2. The temporary structure shall be located within the area of a recorded Final Plat.
3. Sales offices within model homes or freestanding structures shall meet criteria as may be established by PWD Building Division regulations, as set forth within the County Building Code, and may require the posting of a bond with the PWD Building Division.<sup>255</sup>

**B. OTHER OUTDOOR ENTERTAINMENT AND ASSEMBLY EVENT**

1. Each property shall be limited to no more than four events per calendar year.
2. A property shall not hold events on consecutive weekends.
3. An event shall have a collective duration (exclusive of setup and breakdown) of no more than 10 days per calendar year unless otherwise provided in an approved Planned Unit Development, Use by Special Review. or other development approval, and except as otherwise provided in this Section 3-3.6.B.

**4. Extensions**

<sup>252</sup> New.

<sup>253</sup> Replaces definition for Commercial Mobile Radio Services (CMRS).

<sup>254</sup> Deleted current Section 3-3.12.L – Swap Meets/Flea Markets integrated into Seasonal Sales definition.

<sup>255</sup> **STAFF:** We should clarify in what cases bonds may be required.



- a. The Zoning Administrator may approve additional events and/or additional days for such events within a calendar year if the property for which the Temporary Use Permit is requested has a pending and complete application for a General Development Plan, Specific Development Plan or other applicable land use approval to establish the use approved through the Temporary Use Permit as a permanent use on the property.
- b. Additional events and/or days may be approved only during the timeframe that the application is pending; however, additional events or days shall not be approved for a timeframe that is more than three years after the application was first submitted.

**C. OUTDOOR CIRCUS, FAIR, OR CARNIVAL<sup>256</sup>**

This use shall not exceed 30 days in one year unless a longer period is approved pursuant to Section 3-3.6.B.4 below.

**D. ROADSIDE SALES STAND**

1. All structures related to the roadside sales stand shall comply with the applicable building code.
2. All roadside sales stands shall not exceed a total of 14 days, except roadside sales stands in the A-E, A-1, and RR-A zoning districts.<sup>257</sup>
3. In the A-E, A-1, and RR-A zoning districts, permanent roadside sales stands are allowed provided only products grown on the premises or on agriculturally-zoned property within Arapahoe County shall be sold in such stands.<sup>258</sup>

**E. TEMPORARY CONSTRUCTION YARD AND/OR OFFICE<sup>259</sup>**

1. A temporary construction office and/or construction yard may be permitted while construction is occurring, provided that it is located within the area of a recorded Final Plat, an approved Final or Master Development Plan, Administrative Site Plan, Subdivision Development Plan, Location & Extent or a Use by Special Review.
2. The temporary construction office may be used as a security office but shall not be used as living quarters.

**F. STORAGE CONTAINERS/PODS<sup>260</sup>**

This temporary use is allowed provided it:

1. Is not located in the public right of way;
2. Is not closer than five feet from a side or rear property line;
3. Does not block vehicle access to the site on which it is located<sup>261</sup>;
4. Does not exceed the height of an allowed accessory structure; and
5. Is located in areas of least visibility; and

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<sup>256</sup> Carried forward current Section 3-3.12.C. and combined with similar temporary uses. **STAFF:** Please clarify whether this is consecutive days.

<sup>257</sup> New. Allowances for Roadside Sales Stands expanded into more zoning districts as temporary uses. **STAFF:** Let us know if this an appropriate time limitation. Many other temporary uses are limited to 30 days.

<sup>258</sup> Expands current Section 3-3.12.J.1. to include products grown off the premises and on other agricultural land in Arapahoe County to introduce more flexibility that supports local agriculture e.g. two farms/ranches can sell their individual products at one roadside sales stand rather than each being required to maintain their own.

<sup>259</sup> Deleted current Section 3-3.12.B.1. "The structure and/or parcel are/is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, etc." and integrated into definition.

<sup>260</sup> Deleted current Section 3-3.12.K.5 provision about "areas of least visibility" as it is challenging to adequately review and enforce.

<sup>261</sup> Clarified "access" relates to vehicle access to the site.

6. Is removed from the site no later than 10 days after construction activity has ceased or for no more than seven consecutive days for the purpose of moving or estate sale.

**G. FARMERS' MARKET<sup>262</sup>**

1. An Outdoor Farmers' Market may be allowed as a temporary use with prior approval of a Temporary Use Permit under the provisions of Section 5-5.3, Temporary Use Permits of this Code.
2. Outdoor Farmers' Markets shall comply with State of Colorado applicable regulations for retail food establishments and the sale of unprocessed, uncut fruits and vegetables, as well as limits on hours of operation and other conditions established in an approved Temporary Use Permit<sup>263</sup>
3. In addition to requirements of Section 5-5.3, Temporary Use Permits, an applicant for an Outdoor Farmers' Market shall submit to the County a scaled and dimensional site plan showing the layout of the entire market area, including parking spaces for the use, vehicle access, waste receptacles and restrooms and shall pay any applicable fees for the Temporary Use Permit application.<sup>264</sup>

**H. TEMPORARY WIRELESS COMMUNICATION FACILITIES (WCF)<sup>265</sup>**

1. Temporary WCFs may operate for up to 180 days, after which the temporary facility must be removed. In cases where temporary facilities are necessary due to destruction or significant damage to permanent structures hosting WCFs due to causes beyond the control of an applicant, requests to renew or extend the temporary operating period may be approved on a case-by-case basis if the Public Works Director determines that the extension will not create additional risks to the public health or safety or significant material impacts to surrounding properties. Unless such renewal request is granted, no other temporary facility can be built by the provider on the property after the original temporary facility is removed.
2. Temporary WCFs designed for use during a special event may operate for up to 14 days, after which they must be removed at the provider's expense. An extension of the temporary use may be approved by the Planning Division Manager to coincide with an extended period of time for the special event and subject to conditions to mitigate impacts of the extended use on surrounding properties. Temporary facilities may be operated on a property up to four times a year.
3. Temporary WCFs shall comply with Section 3-3.5.C, Operational Standards.
4. The Planning Division Manager may require landscaping and screening requirements for temporary facilities where adjacent or nearby properties or users of public rights-of-way may be impacted.

**I. SEASONAL SALES<sup>266</sup>**

1. **Tent/Sidewalk Sales**
  - a. Tent/sidewalk sales are prohibited in the A-E, A-1, and RR-A zoning districts.
  - b. Tent/sidewalk sales may not exceed a total of 30 days in any one calendar year.

<sup>262</sup> Current Section 3-3.12.G.1. deleted. Purpose statements are not typically included in use-specific standards.

<sup>263</sup> Reworded and deleted current Section 3-3.12.G.3.a.iii limiting outdoor farmers' market to the months of May-October.

<sup>264</sup> **STAFF:** We recommend deleting this provision and moving into the Development Application Manual

<sup>265</sup> Carried forward current Section 3-3.12.A. Wording revised to provide standards to guide the Public Works Director's decision.

<sup>266</sup> Deleted the "per shopping center" provision.

**2. Fireworks Stands<sup>267</sup>**

Fireworks stands shall be permitted upon compliance with the following provisions:

- a. Fireworks stands shall not be permitted in residential zoning districts.
- b. Fireworks stands shall not be permitted within 75 feet of residential structures.
- c. Fireworks stands shall be located no closer than 50 feet from all property lines.
- d. Proof of compliance with Arapahoe County Ordinance No. 86-1 shall be submitted with an application for a fireworks stand permit, including proof of insurance.<sup>268</sup>
- e. A minimum of one parking space per 300 square feet of sales structure area is to be provided for customers.<sup>269</sup>
- f. The PWD Engineering Services Division has granted access approval.
- g. Fireworks stands must be located within the boundaries of a fire protection district, and comply with all applicable district requirements.
- h. No stand shall be permitted to operate prior to June 15th or after July 7th.
- i. Fireworks stands must comply with the provisions applicable to temporary structures in the most recently adopted Arapahoe County Building Code, and meet the minimum requirements of the Fire Code adopted by the fire department having jurisdiction over the location of the fireworks stand.
- j. Proof of permission to occupy the site (for example, a lease or rental agreement) must be provided.<sup>270</sup>
- k. Permit fees shall be \$500.00 plus a \$250.00 deposit which is refundable if the permittee completely cleans up the site and calls for a clean-up inspection prior to July 13.<sup>271</sup>

**3. Christmas Tree Lots<sup>272</sup>**

Christmas tree lots shall be permitted upon compliance with the following provisions:

- a. Any structure(s) associated with the operation of a Christmas tree lot shall be erected no closer than 50 feet from all property lines, and shall be anchored in such a manner as to withstand normal wind pressure, be safe from collapse, and be constructed in such a manner so as not to create a health, safety and/or welfare violation(s).
- b. Proof of compliance with Arapahoe County Ordinance No. 85-1 shall be submitted with an application for a Christmas tree lot permit.<sup>273</sup>
- c. That a minimum of 1 parking space per 1,000 feet of Christmas tree display area be provided for customers.<sup>274</sup>
- d. That the PWD Engineering Services Division has granted access approval.

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<sup>267</sup> Deleted current Section 3-3.12.H.10 regarding the maximum net weight of the pyrotechnic composition of fireworks stored at the site as unnecessarily detailed

<sup>268</sup> **STAFF:** We recommend deleting this provision and moving into the Development Application Manual.

<sup>269</sup> Replaces current 15 parking space minimum to prevent excessive parking requirements for smaller operations.

<sup>270</sup> **STAFF:** We recommend deleting this provision and moving into the Development Application Manual.

<sup>271</sup> **STAFF:** We recommend deleting this provision and moving into the Planning Review Fee Schedule.

<sup>272</sup> Deleted current Section 3-3.12.1.1 – it is unnecessary to make a reference back to the Permitted Use Table. Deleted current Section 3-3.12.1.3. “Christmas tree lots shall not be erected prior to the weekend after Thanksgiving, nor remain after January 1” as this is a standard operating characteristic of Christmas Tree Lots and typically does not need to be a specific standard unless Arapahoe County has had any issues with Christmas Tree Lots operations outside of that time window.

<sup>273</sup> **STAFF:** We recommend deleting this provision and moving into the Development Application Manual.

<sup>274</sup> Replaces current 15 parking space minimum to prevent excessive parking requirements for smaller operations.

## Chapter 4: Development Guidelines and Standards

### 4-1 LOT AND SITE DEVELOPMENT STANDARDS

#### 4-1.1. Dimensional Standards

##### A. AGRICULTURAL AND RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS

##### 1. General Dimensional Standards

All primary and accessory structures in the agricultural and residential districts shall comply with the dimensional standards in Table 4-1.1, unless an exception or a different standard is stated in another section of this LDC.

TABLE 4-1.1 AGRICULTURAL AND RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS													
ac = acres; du = dwelling unit; sf = square feet													
	Agricultural		Rural Residential			Residential							PUD <sup>[3]</sup>
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	
<b>Lot Standards (Minimum)</b>													
<b>Lot Size</b>													
Single-family	35 ac	19 ac	9 ac	2.41 ac <sup>[1]</sup>	1.61 ac <sup>[2]</sup>	40,000 sf	20,000 sf	12,500 sf	7,000 sf	5,000 sf	3,600 sf	5,000 sf	Per Approved Development Plan
Single-family cluster								6,250 sf <sup>[4]</sup>	3,600 sf <sup>[4]</sup>				
2-family										2,800/du	2,800/du		
Townhome											2,000/du		
<b>Lot Width (feet)</b>													
Single-family	600 <sup>[12]</sup>	330	165	125	110	75	75	60 <sup>[5]</sup>	50 <sup>[5]</sup>	45 <sup>[5]</sup>	40 <sup>[5]</sup>	50	Per Approved Development Plan
2-family										40	35		
Townhome											25		
<b>Setbacks, Principal Structure or Use (Minimum) (feet)</b>													
Front	100	100	50	50	50	25	25	20 <sup>[6], [10]</sup>	20 <sup>[6], [10]</sup>	20 <sup>[6]</sup>	Garage: 20 <sup>[6]</sup> Living area: 15 <sup>[6]</sup>	20	Per Approved Development Plan
Side, each	100	50	25	25	25	25	15	10 <sup>[10]</sup>	5 <sup>[10]</sup>			0	
Side, combined										10 <sup>[7]</sup>	8 <sup>[7]</sup>		
Rear	100	50	50	25	25	25	25	20 <sup>[10]</sup>	15 <sup>[10]</sup>	15	10	10	
Side Corner	100	100	50	50	25	25	25	20	20	20	Garage: 20 Living area: 15	20	
From Public Right-of-way								50 from arterial street 25 from collector street				20	
<b>Setbacks, Accessory Structure or Use (Minimum) (feet)</b>													
Front	100	100	100 <sup>[13]</sup>	[8]	[8]	[8]	[8]	20		20		[9]	Per Approved Development Plan
Side	100	25	25	15	5	10	10	10		[8]		5	
Rear	100	25	25	10	10	10	10	20		Garage: 0 Other: 10		5	
Distance between								Per Fire Code				20	

TABLE 4-1.1 AGRICULTURAL AND RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS													
ac = acres; du = dwelling unit; sf = square feet													
	Agricultural		Rural Residential			Residential							PUD <sup>[3]</sup>
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	
principal structures													
<b>Building Standards (Maximum) (feet)</b>													
<b>Building Height (feet)</b>													
All DUs	50	50	35	35	35	35	35			38			Per Approved Development Plan
Mobile homes												25	
Manufactured homes	35	35										35	
<b>Building Coverage</b>													
All structures								40% <sup>[10]</sup>	50% <sup>[10]</sup>	60%	70%		Per Approved Development Plan
<b>Density (Maximum)</b>													
Dwelling Units per Gross Acre												7	Per Approved Development Plan
<b>Unobstructed Open Space (Minimum)</b>													
Attached DU													Per Approved Development Plan
Multifamily DU													
Not specified													
Open Space with direct access to Dwelling (sf)											360 <sup>[11]</sup>		
Notes:													
[1] 105,000 square feet													
[2] 70,000 square feet													
[3] Prior to April 1, 2017, dimensional standards for residential uses approved in any previous PUD, including R-PSF, R-PM, R-PH, SH, MU and C, apply to land with these zone designations and are further subject to the terms and provisions of the approved development plans. Residential components of PUDs approved after August 15, 2019 shall be subject to the dimensional standards established in the approved development plan.													
[4] Cluster developments require that a minimum of 35 percent of the site area outside lots is set aside as open space and protected open space or landscaping is located to buffer surrounding development from the visual impacts of the single-family cluster. Development shall not contain more single-family residential lots than would otherwise be permitted.													
[5] In the R-1-C, R-1-D, R-2-A, and R-2-B zone districts, where a development parcel is located across a local street from an already-developed area of single-family detached residences, residential development along that local street frontage shall be single-family detached homes, each of which shall have a minimum lot width at least 90 percent as large as the minimum lot width of those in the already-developed single-family area across the local street.													
[6] When a vacant lot shares a side lot line with an adjacent residential lot on which a single-family detached dwelling unit has been built, any single-family detached residential dwelling unit constructed on the vacant lot shall have a front setback within 3 feet of the front setback of the single-family detached home on the adjacent lot. When a vacant lot shares two side lot lines with two adjacent residential lots on which single-family detached dwelling units have been built, any single-family detached residential dwelling unit constructed on the vacant lot shall have a front setback within the range of the front setbacks of two single-family homes on either side.													
[7] The required side setback can be located predominantly on one side of the primary building, provided that any side wall of the primary building must be a minimum of three feet from a side lot line.													
[8] Front Building Line of Principal Building													
[9] Front building line													
[10] Primary building setbacks and maximum lot coverage on clustered residential lots may not be smaller than 75 percent of those required in the zone district.													
[11] Minimum dimension on any side must be 15 feet													
[12] Parcels larger than 35 acres in area and created prior to April 2, 2019 shall be considered to meet this lot width requirement, regardless of their existing width. All other development standards including, but not limited to, animals, building height, and setbacks, shall apply.													
[13] All accessory buildings on RR-A built within the 100-foot setback prior to 09/01/2020, with a complete building permit or an approved agricultural affidavit, may be rebuilt in the same location.													

**B. PERFORMANCE STANDARDS FOR UNDERSIZED PARCELS IN A-E AND A-1 ZONE DISTRICTS**

All primary and accessory structures in undersized parcels in the A-e and A-1 zone districts shall comply with the dimensional standards in Table 4-1.2, unless an exception or a different standard is stated in another section of this LDC.

<b>TABLE 4-1.2 PERFORMANCE STANDARDS FOR UNDERSIZED PARCELS IN A-E AND A-1</b>					
These setbacks apply to legally created parcels which are smaller than the minimum required lot area in the A-E and A-1 zone districts. These parcels were either created prior to the adoption of the Arapahoe County subdivision regulations or may be created through a subdivision exemption (Section 5-6.9 of the Land Development Code).					
Parcel Size (Acres)	35+	19-34.9999	9-18.9999	2.41-8.9999	<2.41
<b>Setbacks (Minimum)</b>					
Front	See Table 4-1.1	50'	50'	50'	25'
Side	See Table 4-1.1	50'	25'	25'	25'
Rear	See Table 4-1.1	50'	50'	25'	25'
Side Corner	See Table 4-1.1	100'	50'	50'	25'
Accessory, Front	See Table 4-1.1	Front building line of principal structure	Front building line of principal structure	Front building line of principal structure	Front building line of principal structure
Accessory, Side	See Table 4-1.1	25'	25'	15'	15'
Accessory, Rear	See Table 4-1.1	25'	25'	15'	15'

**C. NON-RESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS**

All primary and accessory structures in the commercial and industrial zone districts shall comply with the dimensional standards in Table 4-1.3, unless an exception or a different standard is stated in another section of this LDC.

1. Setbacks may differ subject to the International Building Code's requirements.
2. Buildings are not permitted in easements unless a letter from the utility easement holder(s) is recorded.
3. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow for snow and ice melt on adjacent streets and sidewalks.
4. Dimensional standards may be subject to specific overlay district regulations (AIA, CAEPA, Strasburg Downtown Overlay, and others as specified in this Land Development Code – see Section 2-4.10.)

TABLE 4-1.3 NON-RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS						
	B-1	B-3	B-4	B-5	I-1	I-2
<b>Lot Standards</b>						
Lot Size	All site designs must demonstrate compliance with all site development standards in this LDC & applicable building codes					
<b>Setbacks (Minimum)</b>						
Setback from property lines abutting adjacent residential uses	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	100 ft.
Setback from property lines abutting adjacent public right-of-way	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Setback from front property line if the building is oriented toward the street and accesses the public sidewalk	10 ft.	10 ft.	10 ft.	25 ft.		
Setback from property lines abutting commercial business or industrial zones or uses	10 ft.	10 ft.	25 ft.	10 ft.	25 ft.	50 ft.
Setback from interior property lines for multiple parcels managed as a single development	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Minimum separation between structures	IBC	IBC	IBC	IBC	IBC	IBC
Setback between designated parking areas and property lines	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
<b>Building Standards (Maximum)</b>						
Building Height, including mechanical appurtenances	35 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
<b>Unobstructed Open Space (Minimum)</b>						
Single story structure	20%	20%	20%	20%	20%	20%
Each additional story	For each additional story, an additional 5% up to a maximum of 35%					

**D. SPECIAL PURPOSE DISTRICTS DIMENSIONAL STANDARDS**

All primary and accessory structures in the Cultural and Open zone districts shall comply with the dimensional standards in Table 4-1.4 unless an exception or a different standard is stated in another section of this LDC.

TABLE 4-1.4 SPECIAL PURPOSE DISTRICT DIMENSIONAL STANDARDS		
	O	PUD <sup>[1]</sup>
<b>Lot Size (Minimum)</b>		
Area		Per Approved Development Plan
<b>Setbacks (Minimum)</b>		
Setback from any property lines abutting residential zones or uses	Per Approved Administrative Site Plan	Per Approved Development Plan
Setback from property lines abutting adjacent public right-of-way		
Setback from any property lines abutting non-residential zones or uses		
Interior lot line setback		
Minimum separation between structures		
Setback between designated parking areas and property lines		
<b>Building Standards (Maximum)</b>		
Building Height (including rooftop mechanical appurtenances in industrial districts)	35 ft.	Per Approved Development Plan
<b>Unobstructed Open Space (Minimum)</b>		
Single story structure		Per Approved Development Plan
Each additional story		
All structures and uses	90%	
Notes: [1] Prior to April 1, 2017, dimensional standards for residential uses approved in any previous PUD, including R-PSF, R-PM, R-PH, SH, MU and C, apply to land with these zone designations and are further subject to the terms and provisions of the approved development plans. Residential components of PUDs approved after April 1, 2017 shall be subject to the dimensional standards established in the approved development plan.		

### 4-1.2. Parking, Loading and Drive-Through<sup>275</sup>

#### A. INTENT<sup>276</sup>

The standards in this Section 4-1.2 are intended to provide safe, efficient, and attractive parking areas with adequate space for access, parking, vehicle and pedestrian circulation, and to avoid inefficient use of land by provision of unnecessary parking facilities, by regulating the place, use and design of parking lots and garages, and loading and unloading areas.

#### B. APPLICABILITY<sup>277</sup>

The requirements in this section shall apply to all uses in all districts. No development proposal shall be approved and no permit for the erection or occupancy of a building or structure shall be issued unless the use conforms with the parking supply requirements of this section or a variance or administrative adjustment for any differences from this Section 4-1.2 has been issued. The Development Application Manual contains the requirements for parking plans required to confirm compliance with these parking standards.

#### C. REQUIRED OFF-STREET PARKING<sup>278</sup>

##### 1. Parking Space Calculation<sup>279</sup>

When calculating the number of required parking spaces, any fraction of a space shall be rounded up to the nearest whole number.

##### 2. Off-Street Parking Requirements

###### a. Minimum Off-Street Parking Requirements<sup>280</sup>

Unless otherwise established in this Code, off-street parking spaces shall be provided on-site in accordance with Table 4-1.2.1, Off-Street Parking Requirements by Land Use.

###### b. Use Not Specified

In the case of a use not specifically listed in Table 3-2.1, Permitted Use Table, the requirements for off-street parking facilities for a similar use, as determined by the Planning Manager, shall apply.

###### c. Increased or Decreased Parking Demand

The number of off-street parking spaces or loading spaces may be increased or decreased proportionately when a building or use undergoes an increase or decrease to a unit of measurement listed in Table 4-1.2.1 including, but not limited to gross floor area, number of dwelling units, seating capacity, or number of employees, as a means for determining required off-street parking requirements.

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<sup>275</sup> This section has been reorganized, language clarified, and standards added or revised as noted to remove outdated standards and avoid excessive parking requirements that increase the cost of residential, mixed-use, and non-residential uses. **STAFF:** We did not incorporate bicycle parking requirements due to the low density nature of the county, but we could do so if it is desired (potentially for the West side of the County as defined in the PUD regulations).

<sup>276</sup> Replaces current 4-1.2.A.

<sup>277</sup> Language clarified and expanded. Current 4-1.2.E with reference to Development Application Manual relocated.

<sup>278</sup> Deleted current 4-1.2.B.4. related to private streets because it was repetitive of standards included in paragraph c. below Table.

<sup>279</sup> Reworded for clarity.

<sup>280</sup> Parking standards for "Residential development on private roads," and "Fraternity/Sorority House" not carried forward based on proposed changes to and organization of the Permitted Use Table. The green font indicates the use is a new or consolidated use in the proposed changes to the Permitted Use Table.



These changes must be approved by the County in conjunction with the approval of changes made to any applicable Development Plans.

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
<b>Residential Uses</b>		
<b>Household Living</b>		
Accessory Dwelling Unit (ADU)		1 per ADU
Backyard Bees or Chickens		None
<b>Dwelling, Live/Work</b>		<b>2 per dwelling unit</b>
Dwelling, Manufactured Home	2 spaces per mobile home, plus 1 guest parking space per four mobile home spaces <sup>281</sup>	2 per manufactured home or 2 per manufactured home space plus 1 guest parking space per four manufactured home spaces if the manufactured home is located in a park containing more than four dwelling units
Dwelling, Mobile Home	Two off-street parking spaces for each residence <sup>282</sup>	2 per mobile home
Dwelling, Multifamily	1.5 spaces-per 1 bedroom unit, 2 spaces for 2 and 3 bedroom units. 2.5 spaces for 4 bedroom units, plus 0.25 guest space per unit <sup>283</sup>	<b>Studio or one bedroom:</b> 1 per dwelling unit <b>Two bedroom:</b> 1.5 per dwelling unit <b>Three bedroom:</b> 2 per dwelling unit <b>Four bedroom:</b> 2.5 per dwelling unit <b>Guest Parking:</b> 0.25 guest spaces per dwelling unit
Dwelling, Single-Family Attached	2 spaces per dwelling unit, plus 0.25 guest space per unit <sup>284</sup>	2 spaces per dwelling unit + 1 guest space per 4 dwelling units <sup>285</sup>
Dwelling, Single-Family Detached	2 spaces per dwelling unit <sup>286</sup>	2 spaces per dwelling unit
Dwelling, Single-Family Detached Cluster	2 spaces per dwelling unit <sup>287</sup>	2 spaces per dwelling unit
Dwelling, Townhome	Single Family Attached:	2 spaces per dwelling unit + 1 guest space per 4 dwelling units <sup>289</sup>

<sup>281</sup> Current "Mobile Home Park" in existing Table 4-1.2.1.

<sup>282</sup> Current "Mobile Home Park" in existing Table 4-1.2.1..

<sup>283</sup> Current "Multi Family Dwelling" in existing Table 4-1.2.1..

<sup>284</sup> Current "Single Family Attached Dwelling" in existing Table 4-1.2.1..

<sup>285</sup> Matches Centennial. Aurora does not require guest spaces and Parker only requires guest parking for 5 or more abutting structures.

<sup>286</sup> Current "Single Family Dwelling" in existing Table 4-1.2.1..

<sup>287</sup> Current "Single Family Dwelling" in existing Table 4-1.2.1..

<sup>289</sup> Matches Centennial. Aurora does not require guest spaces and Parker only requires guest parking for 5 or more abutting structures.

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
	2 spaces per dwelling unit, plus 0.25 guest space per unit <sup>288</sup>	
Dwelling, Two-Family	Multifamily: .5 spaces-per 1 bedroom unit, 2 spaces for 2 and 3 bedroom units.2.5 spaces for 4 bedroom, units, plus 0.25 guest space per unit <sup>290</sup>	2 spaces per dwelling unit
Temporary Residence		None
Home Occupation, Day Care		None
Home Occupation, Other		None
Marijuana, Non-commercial Use		None
Pets		None
Temporary Residential Sales or Leasing Office		None
<b>Group Living</b>		
<b>Assisted Living Residence</b>		<b>1 space per 3 dwelling units or if not configured as dwelling units, 1 space per 3 bedrooms<sup>291</sup></b>
<b>Boarding House</b>		<b>1 per bedroom</b>
Group Home – FHAA Small	Group Home:	1 per 2 person design capacity
Group Home – FHAA Large	a) Youth (18 years and younger): 2 spaces per home, plus 1 space per eight beds b) Adult: 1 space per bedroom, plus 1 space per caregiver/employee c) Elderly (exclusive for persons 60 years or older): 0.33 space per bedroom, plus 1 space per caregiver/employee <sup>292</sup>	
<b>Group Residential Facility</b>		<b>1 per 2 person design capacity</b>
<b>Nursing Home</b>	1 space per two employees, plus 1 space per two beds <sup>293</sup>	<b>1 per 6 beds and 1 per employee on maximum shift<sup>294</sup></b>
<b>Civic, Cultural, and Public Uses</b>		
<b>Art Gallery, Library or Museum</b>	1 space per 300 square feet of floor area <sup>295</sup>	<b>2 per 1,000 sf GFA<sup>296</sup></b>
Cemetery		None

<sup>288</sup> Current “Single Family Attached Dwelling” in existing Table 4-1.2.1..

<sup>290</sup> Current “Multi Family Dwelling” in existing Table 4-1.2.1..

<sup>291</sup> Matches Centennial.

<sup>292</sup> Current “Group Home” in existing Table 4-1.2.1.

<sup>293</sup> Current “Nursing Home, Assisted Living Residence or Similar Extended care Facility” in existing Table 4-1.2.1..

<sup>294</sup> Matches Parker.

<sup>295</sup> Current “Library/Museum/Gallery” in existing Table 4-1.2.1.

<sup>296</sup> Matches Aurora.

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
<b>Club or Clubhouse</b>		<b>2 per 1,000 sf GFA</b>
Community Event and Conference Center	1 space per three fixed seats or 1 space per 100 square feet of floor area, whichever is greater <sup>297</sup>	1 per 4 person design capacity
<b>Day Care Centers, Adult or Child</b>	1 space per 250 square feet gross floor area <sup>298</sup>	<b>2 per 1,000 sf GFA<sup>299</sup></b>
<b>Funeral Home or Mortuary</b>	1 space per 100 square feet of floor area open for public use plus 1 space per 333 square feet of office area	<b>1 per 250 sf GFA</b>
<b>Hospital</b>	1 space per two employees, plus 2 spaces for each bed, plus 5 spaces for loading and unloading	<b>1.5 per bed</b>
Other Outdoor Entertainment and Assembly Event		1 per 4 person design capacity
Outdoor Circus, Fair or Carnival		As established in Temporary Permit or Special Exception Approval
<b>Outdoor Stadium or Assembly Venue</b>		<b>1 per 4 seats in main assembly area<sup>300</sup></b>
Parks and Open Space		None
Quasi-Public Use	1 space per 3 fixed seats or 1 space per 100 sf of floor area, whichever is greater <sup>301</sup>	1 per 4 person design capacity
<b>School</b>	Preschool: 1 space per each employee, plus 1 space per five children, plus 5 stacking spaces for loading and unloading  Elementary School: 1 space per employee, plus 1 space per five seats in auditorium/ assembly area  Middle School: 1 space per 10 students or 1 space per five seats in auditorium or main assembly area, whichever is greater	<b>Preschool, elementary or middle<sup>302</sup>:</b> <b>1 per classroom and 1 per 10 seating capacity in the largest assembly area</b>  <b>High school:</b> <b>1 per classroom and 1 per 3 seating capacity in the largest assembly area.</b>

<sup>297</sup> Current "Auditorium or Similar Place of Public Assembly" in existing Table 4-1.2.1.

<sup>298</sup> Current "Daycare/Nursery" in Table 4-1.2.1.

<sup>299</sup> Matches Parker.

<sup>300</sup> Matches Colorado Springs.

<sup>301</sup> Current "Church (Places of Worship)" in Table 4-1.2.1.

<sup>302</sup> Both standards match Aurora.

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
	High School: 1 space per employee, plus 1 space per 10 students or 1 space per five seats in auditorium/main assembly area, whichever is greater	
<b>University</b>	1 space per employee plus 1 space per 50 square feet of classroom area	<b>2 per 1,000 sf office, research, and library areas and 1 per 125 sf in largest assembly areas</b>
<b>Agriculture and Animal Services</b>		
Agricultural or Ranch Use		None
Agri-tainment		2 per 1,000 s.f. of site area where attendees circulate, participate, or watch activities <sup>303</sup>
Animal Day Care Facility		2.5 spaces per 1,000 sf GFA <sup>304</sup>
Animal Hospital and Veterinary Clinic		2.5 spaces per 1,000 sf GFA <sup>305</sup>
Commercial Feed Lot		None
Community Garden		None
Kennel		2.5 spaces per 1,000 sf GFA <sup>306</sup>
Nursery or Greenhouse		1 per 1,000 GFA plus 1 per 2,500 sf of outdoor area used for display and storage <sup>307</sup>
Roadside Sales Stands <sup>308</sup>		None
Stable or Riding Academy		1 per employee on maximum shift and 1 per 5 stalls
<b>Urban Agriculture</b>		<b>None</b>
Wildlife Sanctuary		None
<b>Commercial and Industrial</b>		
<b>Aircraft</b>		
Airport		As determined by Airport Operator or Authority
Helipad		None
Landing Strip for Private Aircraft		None
<b>Automotive and Parking</b>		

<sup>303</sup> Matches Colorado Springs “Temporary Festival” use.

<sup>304</sup> Matches Aurora.

<sup>305</sup> Matches Aurora.

<sup>306</sup> Matches Aurora.

<sup>307</sup> Matches Aurora.

<sup>308</sup> **STAFF:** An alternative requirement is one space plus one space for every 200 sf of sales stand. Do you like this option or do you want to keep no parking requirement?

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
Auto Service Station or Car Wash	1 space per employee on maximum shift, plus 2 spaces per bay or stall <sup>309</sup>	1 per employee on maximum shift and 2 spaces per bay or stall <sup>310</sup>
Parking Lot		None
Parking Structure		None
<b>Vehicle Fleet Operations Center</b>		<b>1 per employee on maximum shift<sup>311</sup></b>
Vehicle Repair, Minor	1 space per employee on maximum shift, plus 3 spaces per bay or stall <sup>312</sup>	1 per 1.5 employees on maximum shift, plus 3 spaces per bay or stall
Vehicle Repair, Major		
Vehicle Sales or Rental, Light	1 space per 1,000 square feet of auto display area, plus 1 space per employee on maximum shift <sup>313</sup>	1 per 1,000 square feet of vehicle display area and 1 per employee on maximum shift <sup>314</sup>
<b>Vehicle Sales or Rental, Heavy</b>		
<b>Contractors and Construction</b>		
Contractor Shop or Yard	Lumber Yard: 1 space per 250 square feet of floor area in main sales building <sup>315</sup>	1 per 500 sf GFA office area <sup>316</sup>
Temporary Concrete and/or Batching Plant		None
Temporary Construction Yard or Office		None
<b>Industrial, Warehousing, and Mining</b>		
<b>Industry, Artisan</b>		<b>2 per 1,000 sf GLA</b>
Industry, Light	Manufacturing/Processing/Assembly: 1 space per 333 square feet of floor area, or 1 space per employee on maximum shift <sup>317</sup>  Laboratory: 1 space per 300 square feet of floor area or 1 space per employee on maximum shift, whichever is greater	1 per 1,000 sf GFA
Industry, Heavy		

<sup>309</sup> Current "Car Wash/Detail Shop" in existing Table 4-1.2.1..

<sup>310</sup> Matches Centennial (and current).

<sup>311</sup> Matches Aurora.

<sup>312</sup> Current "Car Wash/Detail Shop" in existing Table 4-1.2.1..

<sup>313</sup> Current "Car Dealership, Recreational Vehicles or Boat Sales" in existing Table 4-1.2.1..

<sup>314</sup> Matches Centennial (and current).

<sup>315</sup> Current "Lumber Yard" in existing Table 4-1.2.1.

<sup>316</sup> Matches Parker.

<sup>317</sup> Current standards come from "Industrial Use: Manufacturing/Processing/Assembly and Laboratory" in existing Table 4-1.2.1.

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
Mining and Extraction		None
Wholesale or Warehouse	Retail or Wholesale: 1 space per 300 square feet sales area, plus 1 space per 1,000 square feet of warehouse area, plus 1 space per employee on maximum shift <sup>318</sup>  Warehousing: 1 space per 1,000 square feet of floor area, plus 1 space per 400 square feet of retail/wholesale/office area, plus 1 space per loading dock <sup>319</sup>	1 per 1,000 sf GFA
Mini-Warehouse/Self-Storage	1 space per 100 units, plus 1 space per employee <sup>320</sup>	1 per 50 storage units <sup>321</sup>
Outdoor Storage	Lumber Yard: 1 space per 250 square feet of floor area in main sales building <sup>322</sup>	None
Slaughter House		1 per 1,000 sf GFA
Storage Containers/Pods		None
<b>Recreation</b>		
Motorsports Facility	Recreational Uses:	1 per 4 person design capacity
Recreation, Indoor	1/2 space per person based on UBC occupancy, plus 1 space per spectator seat <sup>323</sup>  Theater: 1 space per 3 seats, plus 1 space per employee on maximum shift <sup>324</sup>  Bowling Alley:	2.5 per 1,000 sf GFA <sup>326</sup>

<sup>318</sup> Current "Retail or Wholesale" in existing Table 4-1.2.1..

<sup>319</sup> Current "Warehousing" in existing Table 4-1.2.1..

<sup>320</sup> Current "Mini-Storage Units" in existing Table 4-1.2.1..

<sup>321</sup> Matches Aurora.

<sup>322</sup> Current "Lumber Yard" in existing Table 4-1.2.1..

<sup>323</sup> Current "Recreational Uses" in existing Table 4-1.2.1..

<sup>324</sup> Current "Theater" in existing Table 4-1.2.1..

<sup>326</sup> Matches Aurora. **STAFF:** Are there any particular indoor recreation uses that you receive parking-related complaints about that may necessitate a separate standard than the general standard that is proposed?

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
	3 spaces per lane, plus 1 space per employee <sup>325</sup>	
Recreation, Outdoor	Mini Golf: 3 space per hole or platform, plus 1 space per employee on maximum shift <sup>327</sup>  Golf Course: 2 spaces per hole, plus 1 space per employee on maximum shift  Tennis/Racquetball or Other Games: 2 spaces per court, plus 1 space per employee on maximum shift <sup>328</sup>	Mini Golf: 2 per hole or platform  Driving Range: 1 per platform  Court-based Games: 2 per court  All Other Uses: None
Shooting Range, Outdoor	1 space per platform, plus 1 space per employee on maximum shift <sup>329</sup>	1 per platform
<b>Restaurants, Bars and Hospitality</b>		
Bar or Tavern	1 space per three seats, plus 1 space per employee on maximum shift <sup>330</sup>	4 per 1,000 sf GFA <sup>331</sup>
Bed and Breakfast	1 per each guest bedroom (in addition to spaces required for principal residence) <sup>332</sup>	1 per each guest bedroom (in addition to spaces required for principal residence)
<b>Drive-Through Facility</b>		
Guest Ranch		1 per each guest bedroom (in addition to spaces required for principal residence) <sup>333</sup>
Hotel/Motel	1 space per guest room, plus 1 space per employee on maximum shift, plus parking spaces as required for associated uses such as	1 per guest room and 1 per employee on maximum shift

<sup>325</sup> Current "Bowling Alley" in existing Table 4-1.2.1.  
<sup>327</sup> Current "Miniature Golf/Driving Range" in existing Table 4-1.2.1..  
<sup>328</sup> Current "Tennis/Racquetball or Other Court Games" in existing Table 4-1.2.1..  
<sup>329</sup> Current "Firing Range (Archery, Skeet, Rifle, or Gun)" in existing Table 4-1.2.1..  
<sup>330</sup> Current "Bar/Lounge/Night Club, or Similar Place of Assembly" in existing Table 4-1.2.1.  
<sup>331</sup> Matches Aurora.  
<sup>332</sup> Current Section 3-3.4.B.2.c.i.  
<sup>333</sup> Current Section 3-3.4.B.2.c.i.

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
	restaurant, lounge, or conference <sup>334</sup>	
Microbrewery, Microdistillery, or Microwinery		4 per 1,000 sf GFA <sup>335</sup> or 3 per 1,000 sf GFA if part of a structure containing a hotel/motel, conference center, or other primary use
Nightclub	1 space per three seats, plus 1 space per employee on maximum shift <sup>336</sup>	4 per 1,000 sf GFA <sup>337</sup> or 3 per 1,000 sf GFA if part of a structure containing a hotel/motel, conference center, or other primary use
Restaurant	Sit Down: The greater of 1 space per three seats or 12 spaces per 1,000 square feet of G.F.A., plus 1 space for loading <sup>338</sup> Drive-in: The greater of 1 space per 3 seats or 1 space per 100 square feet of floor area, plus 10 stacking spaces per drive-up window, plus 1 space for loading <sup>339</sup>	4 per 1,000 sf GFA <sup>340</sup> or 3 per 1,000 sf GFA if part of a structure containing a hotel/motel, conference center, or other primary use
<b>Retail and Commercial Service</b>		
Farmers' Market		None unless required by Temporary Use Permit
Marijuana, Commercial Uses		Prohibited Use
Office	Office Uses: 4 spaces per 1000 square feet of floor area, plus 1 space for each company-related vehicle in addition to employee and customer parking <sup>341</sup>	3 per 1,000 sf GFA <sup>342</sup>

<sup>334</sup> Current "Hotel/Motel" in existing Table 4-1.2.1.

<sup>335</sup> Matches Aurora.

<sup>336</sup> Current "Bar/Lounge/Night Club, or Similar Place of Assembly" in existing Table 4-1.2.1.

<sup>337</sup> Matches Aurora.

<sup>338</sup> Current "Restaurant-Sit Down" in existing Table 4-1.2.1.

<sup>339</sup> Current "Restaurant-Drive-in" in existing Table 4-1.2.1.

<sup>340</sup> Matches Aurora.

<sup>341</sup> Current "Office Uses" in existing Table 4-1.2.1.

<sup>342</sup> Matches Centennial.



TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
	Bank/Credit Union/Savings & Loan: 4 spaces per 1000 square feet of floor area, plus 6 stacking spaces per drive-up window	
Outdoor Sales	Lumber Yard: 1 space per 250 square feet of floor area in main sales building <sup>343</sup>	1 per 2,500 sf of outdoor sales area
Retail Sales, Small	Retail/Service Establishment: 1 space per 250 square feet of floor area, 6 stacking spaces per drive-up window <sup>344</sup>	2 per 1,000 sf GFA <sup>345</sup>
Retail Sales, Medium		2 per 1,000 sf GFA
Retail Sales, Large	Retail or Wholesale: 1 space per 300 square feet sales area, plus 1 space per 1,000 square feet of warehouse area, plus 1 space per employee on maximum shift	2.5 per 1,000 sf GFA
Personal and Business Services	Beauty Parlor/Barber Shop: 3 spaces per operator, plus 1 space per employee on maximum shift <sup>346</sup>  Retail/Service Establishment: 1 space per 250 square feet of floor area, 6 stacking spaces per drive-up window <sup>347</sup>	2 per 1,000 sf GFA <sup>348</sup>
Seasonal Sales	Firework Stand: A minimum of one parking space per 300 square feet of sales structure area is to be provided for customers <sup>349</sup>  Christmas Tree Lots 1 per 1,000 feet of Christmas tree display area <sup>350</sup>	None unless required by Temporary Use Permit

<sup>343</sup> Current "Lumber Yard" in existing Table 4-1.2.1..

<sup>344</sup> Current "Retail/ Service Establishment" in existing Table 4-1.2.1..

<sup>345</sup> Matches Aurora (all retail uses). STAFF: Some more car-dependent counties would use a 1 per 300 sf GFA standard for all retail uses. Do you prefer the higher standard?

<sup>346</sup> Current "Beauty Parlor/Barber Shop" in existing Table 4-1.2.1..

<sup>347</sup> Current "Retail/ Service Establishment" in existing Table 4-1.2.1..

<sup>348</sup> STAFF: Some more car-dependent counties would use a 1 per 300 sf GFA standard. Do you prefer the higher standard?

<sup>349</sup> Current "Fireworks Stands" in Use Specific Standards in the 3-3.12 Temporary Structures and Uses

<sup>350</sup> Current "Christmas Tree Lots" in Use Specific Standards in the 3-3.12 Temporary Structures and Uses.

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS		
GFA = Gross Floor Area		
	Current Minimum Parking Requirement	Proposed Minimum Parking Requirement
Sexually-Oriented Business		2.5 per 1,000 sf GFA
<b>Telecommunications and Towers</b>		
Broadcast Tower Facility and Other Commercial Antennas and Radio Towers		None
Wireless Communication Facilities, Attached (Structure, Roof, or Building-Mounted)		None
Alternative Tower Structure (WCF)		None
Tower (WCF)		None
Wireless Communication Facilities, Temporary		None
Over-height Towers, Public and Private Towers (WCF)		None
<b>Utilities and Infrastructure</b>		
Minor Public Utility Facility		None
Major Private Electrical, Natural Gas, and Petroleum-Derivative Facilities		None
Major Public Utility Facility	To be determined through approval process <sup>351</sup>	None
<b>Small Wind Energy Conversion System</b>		<b>None</b>
Sewage Disposal Treatment Plant	Manufacturing/Processing/Assembly:	None
Water Treatment Plant	1 space per 333 square feet of floor area, or 1 space per employee on maximum shift <sup>352</sup>	None
<b>Waste and Recycling</b>		
Injection Well, Commercial		None
Junk Yard		None
<b>Recycling Collection Facility</b>	Manufacturing/Processing/Assembly:	<b>None</b>
Resource Recovery Operation		None
Solid Waste Disposal Site and Facility	1 space per 333 square feet of floor area, or 1 space per employee on maximum shift <sup>353</sup>	None
<b>Solid Waste Transfer Facility</b>		<b>None</b>

<sup>351</sup> Current "Utility Facility-Major" in existing Table 4-1.2.1.

<sup>352</sup> Current standards come from "Industrial Use: Manufacturing/Processing/Assembly and Laboratory" in existing Table 4-1.2.1.

<sup>353</sup> Current standards come from "Industrial Use: Manufacturing/Processing/Assembly and Laboratory" in existing Table 4-1.2.1.

**3. Parking Requirements on Private Roads<sup>354</sup>**

- a. All requirements for off-street parking in Table 4-1.2.1, Off Street Parking Requirements, apply.
- b. Developments using private roads with parking restricted to one side of the street shall be required to accommodate a minimum of one on-street parking space per dwelling unit. If the street configuration does not accommodate the required parking then an alternative shall be provided that meets the Design Requirements for Private Road Guest Parking, Section 4-1.2.E.3.
- c. The on-street parking accommodation requirement may be modified through the provision for a Parking Reduction Request in Section 4-1.2.D.3 provided the request is consistent with all applicable Fire District and PWD Engineering standards<sup>355</sup>.

**D. PARKING ALTERNATIVES AND ADJUSTMENTS**

**1. Shared Parking<sup>356</sup>**

- a. Joint use parking agreements executed before the effective date of this Section shall remain in effect until they are replaced or expire under their own terms. Should the terms of the agreements change, including hours of operation for facilities, or change in use, new agreements will be required to be submitted with the FDP/SDP amendment to allow the County to reevaluate the parking requirements.
- b. After the effective date of this Section, where two or more uses listed in Table 3-2.1, Permitted Use Table share a parking lot or structure, the total off-street parking requirement for those uses may be reduced by the factors show in Table 4-1.2.2, below. To calculate the shared parking reduction, add the requirements for each use category as shown in Table 4-1.2.1, then divide the sum by the factor indicated in Table 4-1.2.2.

TABLE 4-1.2.2 SHARED PARKING REDUCTION					
Property Use	Multi-family Residential	Public, Institutional, or Civic	Food, Beverage, Indoor Entertainment, or Lodging	Retail	Other Commercial
Multi-family Residential	1.0				
Public, Institutional, or Civic	1.1	1.0			
Food, Beverage, Indoor Entertainment, or Lodging	1.1	1.2	1.0		

<sup>354</sup> STAFF: Are these standards working well or are there particular common issues that revised or additional standards could address?

<sup>355</sup> This paragraph will require revision depending on the outcome of discussion related to the staff footnote included in the Parking Reduction Request below.

<sup>356</sup> Replaces Joint Use and Mixed-Use standards (current 4-1.2.D.2. and 3.). Removed the requirement to receive a joint use parking agreement.

TABLE 4-1.2.2 SHARED PARKING REDUCTION					
Property Use	Multi-family Residential	Public, Institutional, or Civic	Food, Beverage, Indoor Entertainment, or Lodging	Retail	Other Commercial
Retail	1.2	1.3	1.3	1.0	
Other Commercial	1.3	1.5	1.7	1.2	1.0

**2. Credit for Electric Vehicle Charging Stations<sup>357</sup>**

For each electric vehicle charging station provided, the minimum number of required off-street parking spaces may be reduced by two. Each charging station counts toward the minimum number of required parking spaces.

**3. Parking Reduction Request<sup>358</sup>**

In addition to the adjustments and credits set forth in paragraphs 1. and 2. above, applicant may submit a request for a reduction of parking requirements to the Planning Manager. The applicant must provide justification for the proposed reduction. The Planning Manager may allow reductions up to 10% of total required parking through an administrative land use process.

**4. Phasing<sup>359</sup>**

Parking areas may be phased in conjunction with the phasing of the associated structure or use. All landscaping plans should be done with consideration of placement and configuration of parking areas at build-out.

**5. Temporary or Overflow Facilities<sup>360</sup>**

The County will also consider proposals for parking areas designed to act as temporary or overflow facilities. These facilities would be designed to provide additional parking in areas that may experience peak parking requirements which exceed the capability of the existing parking area. The overflow area would be constructed so as to not create additional impervious surface that would promote additional water runoff. These facilities are required to be located on or adjacent to the site of the principal use.

**E. PARKING DESIGN AND LOCATION<sup>361</sup>**

**1. Accessible Parking<sup>362</sup>**

Within the requirements of this Section 4-1.2.E.1 (and not in addition to those requirements), accessible parking shall be provided for all multifamily and non-residential uses as shown in Table 4.6-2 or as required by the Americans with Disabilities

<sup>357</sup> New.

<sup>358</sup> **STAFF:** We recommend incorporating more objective credits/reductions into this section, rather than requiring a more discretionary review by the Planning Manager (e.g. transportation demand management, bicycle parking, public parking, and on-street parking). We also recommend increasing the maximum amount of reductions to 25%, rather than 10%. See separate document with an example from the Aurora Unified Development Ordinance.

<sup>359</sup> Current 4-1.2.D.4.

<sup>360</sup> Current 4-1.2.D.1. **STAFF:** This is an unusual provision and we recommend deleting it if it has rarely or never been used.

<sup>361</sup> **STAFF:** Are you interested in further enhancing this section with any of the following: standards to apply certain minimum distances between walkways and entrances, limitations on total percentage of lot frontage occupied by surface parking, curb-cut minimization standards, requirements for pedestrian walkways in large parking lots or maximum parking block dimensions?

<sup>362</sup> Consolidates 4-1.2.F.5, G.2., I.2.b. and Table 4-1.2.3.

Act (ADA) Accessibility Guidelines for Buildings and Facilities, whichever requires the greater amount of accessible parking.<sup>363</sup>

**a. Amount Required<sup>364</sup>**

All development shall provide at least the following number of accessible parking spaces:

TABLE 4-1.2.3 ACCESSIBLE PARKING SPACES REQUIRED	
Total Parking Spaces Required	Minimum Number of Accessible Parking Spaces [1]
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 - 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501 – 1,000	2% of the spaces provided
1,001 and Over	20 plus 1 for each 100 over 1,000
Notes:	
[1] One van-accessible space is required for every six or fraction of six required accessible spaces.	

**b. Additional Standards**

- i. Paired accessible parking spaces stalls shall provide five foot common access aisle.
- ii. Accessible parking spaces shall provide a five foot aisle width and two ADA spaces may share an aisle.
- iii. Standard accessible spaces shall be eight feet in width and van-accessible spaces shall be eleven feet in width. All accessible spaces shall be 18 feet in length.
- iv. Accessible parking shall comply with markings and signage requirements required under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et. seq., as amended, and regulations promulgated under the ADA, as amended. Signs shall conform to the Manual on Uniform Traffic Control Devices (MUTCD).

**2. Location of Parking Areas<sup>365</sup>**

- a. All private parking areas created for the use of a building or use shall be placed on the same lot and within the same zone district as the building or use unless otherwise stated in this section.
- b. All public parking facilities can function and be located independent of an associated use.

<sup>363</sup> New language.

<sup>364</sup> New table with current ADA requirements listed.

<sup>365</sup> Current 4-1.2.F.1.

3. **Access**
  - a. Each required off-street parking area shall have adequate access to a public street or other thoroughfare. Alleys shall only be used as a secondary means of access to a lot or parcel.<sup>366</sup>
  - b. Any parking space which, in the judgment of the Planning Division or Engineering Services Division, is unusable due to maneuverability difficulties or which does not have clear access shall not be approved by Arapahoe County.<sup>367</sup>
4. **Multi-Family Parking Areas**<sup>368</sup>
  - a. Unless specifically allowed in a PUD or Administrative Site Plan approval, parking areas for multi-family housing should not be placed in the front setback. In those instances where parking is allowed in the front setback, landscaping, berming, or other forms of buffering and screening are required.<sup>369</sup>
  - b. Tandem parking spaces in multi-family shall not be counted towards the minimum required on-site parking spaces.<sup>370</sup>
5. **Private Road Guest Parking Areas**<sup>371</sup>
  - a. Guest parking may be placed in pullouts, centralized parking lots, in driveways off of alleys or accommodated by a widening of the roadway.
  - b. Guest parking shall conform to minimum dimensional requirements for full size parking spaces as described in this section.
  - c. Guest parking shall otherwise conform to the requirements of the Land Development Code, Roadway Design and Construction Standards and Private Roadway Standards.
6. **Parking Spaces**<sup>372</sup>
  - a. **General Provisions**
    - i. Off-street parking spaces situated at less than a 45-degree angle will not be permitted unless designated as parallel parking spaces.
    - ii. All parking spaces shall be marked and maintained on the pavement and any ~~related directional markings~~/signs shall be installed and maintained as required by the approved parking plan.
  - b. **Parking Stall Dimensions**
    - i. All parking stalls shall be designed to comply with the standards established in Table 4-1.2.4, Automobile Parking Stall Dimensions, below.

TABLE 4-1.2.4 AUTOMOBILE PARKING STALL DIMENSIONS				
	Angle in Degrees			
	0/Parallel Parking	45	60	90
Stall Width	8 feet	8.5 feet	8.5 feet	9 feet

<sup>366</sup> Current 4-1.2. H.1.

<sup>367</sup> Current 4-1.2. H.3.

<sup>368</sup> Current 4-1.2.F.3. and 4.

<sup>369</sup> Added "in a PUD or Administrative Site Plan approval to clarify when the standard does not apply.

<sup>370</sup> **STAFF:** We recommend deleting this prohibition because it does not allow for more creative and efficient parking garage/lot design.

<sup>371</sup> Current 4-1.2.F.2.

<sup>372</sup> Current 4-1.2. I.

<b>Stall Length</b>	20 feet	19 feet	19 feet	18 feet
<b>Aisle Width 2-Way</b>	20 feet	24 feet	24 feet	24 feet
<b>Aisle Width 1-Way</b>	18 feet	18 feet	18 feet	24 feet

- ii. Unless previously authorized on an approved site plan such as a Final Development Plan (FDP) or other Site Plan approved under prior versions of the Land Development Code, compact parking spaces are prohibited. Code sections related to compact parking spaces are included to help administer existing, grandfathered compact parking spaces. For such previously approved parking areas of 20 spaces or more, a maximum of 20 percent of the required parking spaces may be designated as compact.<sup>373</sup>

**F. USE OF PARKING FACILITIES<sup>374</sup>**

1. No designated off-street parking facilities shall be used for the repair, display, service, or sales of any good or service unless expressly and specifically approved by the County.
2. No area required by the County for the use of private off-street parking shall be used by any party as a commercial parking lot.
3. Any parking spaces designated for guest only shall be signed and enforced by the HOA.

**G. DRIVE-THROUGH, LOADING, AND STACKING<sup>375</sup>**

**1. Number of Required Off-Street Loading Spaces**

The minimum number of off-street loading spaces, plus areas required for access and maneuvering, shall be provided pursuant to Table 4-1.2.5, Required Off-Street Loading Spaces.

<b>TABLE 4-1.2.5 REQUIRED OFF-STREET LOADING SPACES</b>	
<b>Use Category</b>	<b>Minimum Required Loading Spaces</b>
Retail and Commercial Service, and Restaurants, Bars and Hospitality	0 spaces required for buildings < 25,000 sf gross floor area  1 space per 25,000 sf of additional gross floor area or part thereof, up to a maximum requirement of 2 spaces
Light Industry and Heavy Industry	0 spaces required for buildings < 50,000 sf gross floor area  1 space per 50,000 sf of additional gross floor area or part thereof, up to a maximum requirement of 2 spaces

**2. Applicability to Existing Structures**

Off-street loading requirements shall only apply to existing buildings when the gross floor area is increased by more than 50 percent ("redevelopment"). When the gross

<sup>373</sup> Current 4-1.2.F.7.

<sup>374</sup> Current 4-1.2.F.6.

<sup>375</sup> New. The proposed standards align with the City of Aurora's Unified Development Ordinance.

floor area is increased by more than 50 percent, the required loading spaces shall comply with Table 4-1.2.5 for both the existing building and the expansion.

**3. Design and Use of Off-Street Loading Areas**

**a. Location**

- i. Off-street loading spaces shall be located on the same lot or parcel as the structure or use for which it is provided.
- ii. Trucks parked in a loading area shall not encroach into required parking spaces or building setbacks.
- iii. Parked trucks loading or unloading materials shall not block travel lanes in parking lots or fire lanes.
- iv. Any required off-street loading areas with more than two docking facilities shall not be located adjacent to any Rural Residential or Residential zone district.

**b. Maneuvering**

Loading areas shall be designated to provide for truck backing and maneuvering on-site and not from or within the public rights-of-way.

**c. Screening<sup>376</sup>**

All off-street loading areas that face a public right-of-way shall be appropriately screened from view using a masonry wall, dense vegetated landscape, landscaped berm, or other method as approved by Planning staff.

**H. DRIVE-THROUGH STACKING AREAS**

The following standards apply to properties with a drive-through facility<sup>377</sup>:

**1. Number of Required Stacking Spaces<sup>378</sup>**

Vehicle stacking spaces shall be provided in accordance with Table 4-1.2.6, below. The required stacking distance for the site may be distributed between accesses serving the site, provided that a minimum stacking distance of 20 feet is provided at all access points.

TABLE 4-1.2.6 REQUIRED DRIVE-THROUGH STACKING SPACES		
Drive-Through Activity	Minimum Required Stacking Spaces (per lane)	Measured from Flow Line To
Bank, Financial Institution, or Automated Teller Machine (ATM)	3	Teller window
Restaurant	4	Ordering window
Vehicle Wash (Full Service)	3	Outside of washing bay
Vehicle Wash (Self Service or Automated)	1	Outside of washing bay
Other	Determined by the Planning Manager based on anticipated demand	

<sup>376</sup> Current 4-1.2.H

<sup>377</sup> Term matches new accessory use in Permitted Use Table.

<sup>378</sup> Requirements match the City of Aurora's stacking requirements.



2. **Size and Location**
  - a. Vehicle stacking spaces shall be a minimum of 8.5 feet in width and 19 feet in length.
  - b. Required vehicle stacking spaces shall not interfere with access to parking spaces. They may be located anywhere on the site provided that multi-modal traffic impacts on- and off-site are minimized and the location does not create negative impacts on adjacent properties due to noise, light, or other factors.
  - c. Electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line with any adjacent Rural Residential or Residential zone district.
  - d. Customers in vehicles shall only be served through service windows or order stations located on the rear of the building or on a side of the building not adjacent to a street frontage.
  - e. Drive-through accessory facilities shall be designed to meet all applicable standards in Section 3-3.4.O, Drive-Through Facility.

#### 4-1.3. Landscaping and Screening

##### A. INTENT

The landscape standards in this section are intended to provide which visually enhance developments and provide a more compatible and aesthetic atmosphere. Landscaping will improve the livability of residential neighborhoods, enhance the appearance and customer draw of commercial areas, buffer land uses, improve compatibility of adjacent land uses, increase property value, screen undesirable views and contribute to the image and appeal of the overall community. Sensitive site design ensures that a reasonable balance is struck between the rights of the individual to develop and maintain their property and the rights of the community to live, work, shop and recreate in a pleasant and attractive surrounding.

##### B. APPLICABILITY

These landscape standards apply to all development included in a Specific Development Plan, Administrative Site Plan, Use by Special Review application, and to all development included in a PUD if the PUD does not include landscape standards. All open space shall be landscaped. Individual lots within a single family detached development are excluded from these landscaping requirements as well as any development in the A-E, A-1, RR-A, RR-B, RR-C, R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, and R-2-B zone districts. Landscaping requirements shall apply within residential developments for landscape tracts, parks, perimeter buffers or other areas as determine by these regulations.

##### C. GENERAL INFORMATION

###### 1. Landscaping

Landscaping is the treatment of pervious surfaces with organic/inorganic plant materials such as grass, ground cover, trees, shrubs, ornamental clump grasses and other horticultural materials. The plan may include other decorative surfacing such as wood chips, crushed stone or other mulch materials.

###### 2. Existing Vegetation

Where there is significant existing vegetation on site, staff may require an inventory of plant material. Existing trees shall be saved on the property unless otherwise approved through the review process.

**3. Xeriscape Materials**

Xeriscape plant materials are strongly encouraged. All landscape material shall be in compliance with the standards of the American Association of Nurserymen. All plant material shall have a habit of growth that is normal for the species and shall be of sound health, vigorous growth, and free from insect pests, diseases and injuries. All plants shall equal or exceed the measurements specified on the plan.

**4. Recommended Plant Materials**

- a. All planting materials and methods must be approved by the Arapahoe County Weed Control Inspector. Weed control methods may need to be employed prior to construction and/or the installation of the landscape plan.
- b. See the Arapahoe County Development Application Manual for a list of recommended plant materials.

**5. Weed Control**

The use of weed free seed, gravel or fill dirt is required as approved by the Arapahoe County Weed Control Inspector. The use of competitive grasses, shrubs or trees that provide sufficient ground cover may be required where weed problems already occur or may occur in the future. Plant species that appear on the Colorado State Noxious Weed lists are unacceptable for use in proposed landscaping.

**6. Land Dedication**

The open space and landscape requirements stated herein are in addition to any public land dedication requirements, unless otherwise determined by the Board of County Commissioners.

**D. AREAS TO BE LANDSCAPED**

Landscaping for private and public parks shall comply with Section 4-1.2.F herein.

1. All portions of a site not occupied by structures, water bodies, streets, roads, driveways, sidewalks, plazas, patios, parking areas and other vehicle use areas are required to be landscaped in accordance with these standards unless excluded in Section 4-1.2.F.B above.
2. For undeveloped areas with natural vegetation, up to 50 percent of the natural area may be allowed to count toward the minimum requirement, as determined by the Planning Division Manager. The percentage of these areas eligible to partially satisfy the minimum requirement will be determined based upon its effectiveness to function as a buffer and enhance the visual and natural attributes of the site.
3. All development sites, excluding single family detached development, shall feature consistently landscaped areas along the front, sides and rear property lines. At the discretion of the Planning Division Manager, exceptions may be made for situations such as attached structures that cross property lines, property lines that lie within the extents of paved roadways, and other unanticipated situations as long as the resulting plan meets the intent of these regulations by providing a complete landscape design which will visually enhance developments and provide a more compatible and aesthetic atmosphere as required in Section 4-1.3.A of these requirements.
4. A 20 foot landscape buffer is required where non-residential development abuts residential development.
5. Drainage easements and detention ponds may be included as landscaped or other open space areas upon approval by the PWD Department. Detention ponds with earthen walls and maximum 4:1 slope are the preferred design. However, when required by site

constraints, other design solutions may be submitted to the PWD Department for approval.

#### **E. LANDSCAPING AND BUFFERING FOR PARKING LOTS**

##### **1. Landscape Requirements**

These landscape requirements apply to all parking lots, in accordance with the standards described herein.

- a. Interior landscaped parking islands shall not satisfy any of the minimum requirements for landscaping or open space. If the number or size of the parking islands exceeds County minimum requirements, the excess shall be credited towards the required landscaping or open space. The required interior landscaped area (planted islands) shall not be transferred to the parking lot perimeter. Distribution of required interior island plantings within the parking lot shall be approved based upon the specific design.
- b. Landscaping may not be required for a service parking lot that is typically screened from public view by fences, walls and/or buildings.
- c. Landscaped islands within parking lots shall meet the following requirements:
  - i. All parking areas in excess of 40 spaces shall have at least one interior landscaped island (minimum of six feet in width) per 40 spaces. Arapahoe County will require 10 square feet of landscaping per required parking stall, contained in an island with or without curbing.
  - ii. Any landscape island that is six by 36 feet or greater shall include a minimum of two deciduous or coniferous trees, six shrubs and/or acceptable groundcover. Any landscape island less than six by 36 feet shall include a minimum of one deciduous or coniferous tree and three shrubs and/or acceptable groundcover.
  - iii. Landscaped parking lot islands greater than 100 square feet in area shall have one additional shrub for each additional 15 square feet or fraction thereof, in area.
  - iv. When landscaped islands exceed 2000 square feet, plant materials quantities may be calculated at a rate of two trees or five shrubs, or an acceptable combination of trees and shrubs, for every 600 square feet of area in the island.
  - v. Landscaped parking lot islands shall be located in such a manner as to divide and break up the expanses of paving.
  - vi. No landscaping within landscaped islands shall obstruct visibility of vehicles entering, maneuvering in, or exiting the parking lot.
  - vii. Plantings or other landscape elements in the sight distance triangle shall comply with the Arapahoe County Streetscape Guidelines in Section 4-2.9 herein.

##### **2. Buffering**

- a. When a parking lot is placed between the public right-of-way and any structure, a berm or other approved visual screen shall be required in the required setback between the right-of-way and the parking lot.
- b. Where a parking lot boundary adjoins a property zoned for any residential use, a minimum landscape buffer of 20 feet from such lot boundary shall be required. Grasses or other acceptable groundcovers, trees and shrubs shall be planted within the landscaped buffer area. In addition, one or more of the following may be required:
  - i. An earthen berm with average side slopes no greater than 3:1

- ii. A view-obscuring fence
- iii. A decorative wall a minimum of three feet in height
- iv. A three foot hedge
- c. Where planting is prohibited by the existence of an easement, additional setbacks for the parking lot will be required to provide for the landscaped buffer.

**F. AREAS THAT DO NOT QUALIFY AS LANDSCAPING**

1. Paved portions of parking lots, open air showrooms, outdoor display areas, roads or service areas at, above or below ground level.
2. The portion of pedestrian and/or bike paths as well as sidewalks that are crossed by motor vehicle circulation routes.
3. Paved medians including concrete, asphalt, brick, decorative pavers, etc. (See Streetscape Guidelines in Section 4-1.2.F herein).
4. Public rights-of-way shall be excluded only when planned for future widening per PWD Department standards.

**G. LANDSCAPING REQUIREMENTS**

1. Within a required landscaped area for residential development, the following ratios apply for single family detached, single family attached and multifamily development:
  - a. Lots 3,999 square feet to 5,000 square feet as an average lot size require one tree and 10 shrubs or an acceptable combination of trees and shrubs per 2,000 square feet of landscaped area.
  - b. Lots less than 3,999 square feet as an average require one tree and 10 shrubs per 1,000 square feet of landscaped area.
  - c. These ratios of trees and shrubs may include an acceptable combination of trees and shrubs for the area required to be landscaped. A determination for landscape ratios will be made on a case-by-case basis for landscape tracts (including rights-of-way) within filings that include residential development with mixed densities based upon the location and use of the tract.
2. Within a required landscaped area for commercial, industrial and business development, the following ratios apply:
  - a. One tree and 10 shrubs, or an acceptable combination of trees and shrubs, for every 1,000 square feet of landscaped area.
  - b. Ornamental clump grasses may be exchanged for up to 50 percent of the required shrubs at a ratio of three ornamental clump grasses for one shrub if one gallon clump grasses are selected.
  - c. Ornamental clump grasses may be exchanged for up to 50 percent of the required shrubs at a ratio of one ornamental clump grass for one shrub if five gallon clump grasses are selected.
3. Proposed open space quantities above the minimum requirements (per Section 5-3.3) shall be excluded from the requirements of Sections 4-1.3.G.1 and 4-1.3.G.2 listed above. Landscaping may be required based upon the intent of these regulations and will be reviewed on a case-by-case basis by the PWD Department.
4. All required landscaped areas shall be served by a functioning automatic irrigation system unless otherwise approved by the PWD Department.
5. Minimum requirements stated herein may be modified based upon the proposed use, design of adjacent uses, and overall impact and scale of the project.
6. The landscaping materials shall be distributed throughout the landscaped areas in order to avoid over massing of plant materials or obstructing views determined important

through the development review process. Trees and shrubs shall be configured in appropriate groupings.

7. Any landscaping around a fire hydrant shall be placed such that a three foot clear space is maintained at all times.
8. Landscaping shall be protected from vehicles by the placement of wheel stops, curbs or other acceptable means.
9. Temporary irrigation methods shall be required when native seed mixes or other low water plantings are utilized requiring temporary irrigation.

**H. PLANT SPECIFICATIONS**

The following minimum sizes apply wherever landscaping is required:

TABLE 4-1.3.1 PLANT SPECIFICATIONS	
Trees	Minimum Size
Deciduous Trees <sup>[1]</sup>	2.0 Inch Caliper
Ornamental Trees	1.5 Inch Caliper
Coniferous Trees	8 feet Height adjacent to public R-O-W 6 feet Height in other locations
Shrubs	5 Gallon container
Ornamental Clump Grass	5 gallon container grasses will be counted as 1 shrub. 1 gallon container grasses may be counted as 1/3 shrub.
Groundcover	No minimum size; spacing shall provide 80% groundplane coverage within 2 years.
Notes:	
[1] Russian Olive trees are prohibited on landscaping plan	

**I. LANDSCAPE PLAN**

See the Development Application Manual for requirements for landscape plans.

**J. REQUIREMENTS WITHIN COUNTY RIGHTS-OF-WAY AND MEDIANS**

All landscaping within the County rights-of-way and medians shall comply with the Arapahoe County Streetscape Guidelines and the requirements of this Section 4-1.3.J. The types, sizes and locations of landscape materials and features will be established during development review by the PWD Department. Medians and rights-of-way must comply with the following:

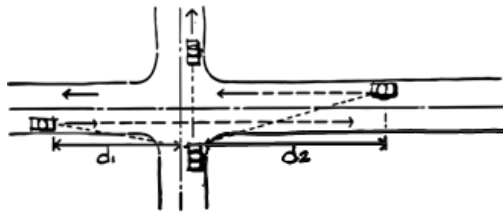
**1. When Required**

The landscaping of any County rights-of-way or median associated with a residential development project based upon an approved landscape plan shall begin prior to the issuance of building permits for 20 percent of the dwelling units approved in the project.

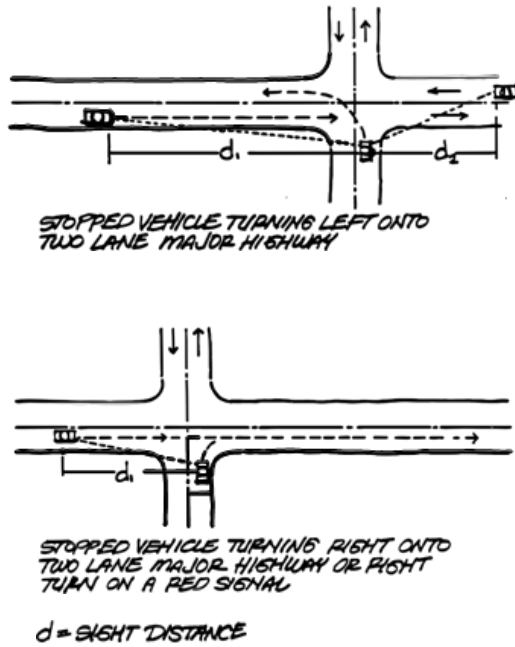
**2. Landscape Criteria**

- a. Landscape elements placed adjacent to existing and proposed roadways (in the right-of-way) shall be designed to minimize conflicts between vehicular and pedestrian traffic while providing an aesthetic landscape environment that is relatively easy to maintain. The placement of trees and shrubs in County rights-of-way is discussed below.
- b. Trees in the environment are an important design element. They provide oxygen, shade and reduce pollution, they also screen views and create a separation between vehicular and pedestrian environments. Their placement therefore is important.

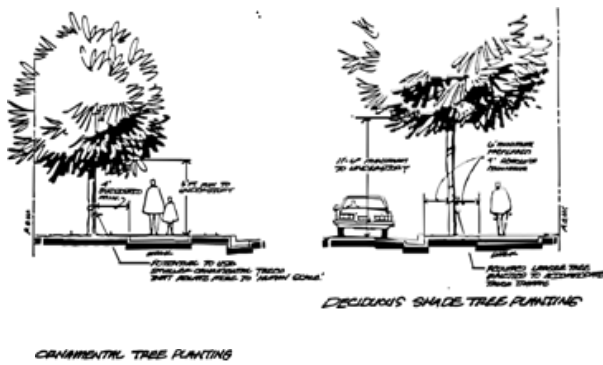
- c. As a general guideline, the following setbacks for trees should be applied when placing trees adjacent to roadways and walks.
  - i. Large Deciduous Trees: four feet minimum, however, six feet is preferred for the setback from edge of pavements, back of curbs and edges of sidewalks.
  - ii. Small Deciduous/Ornamental Trees: two feet minimum, however, four feet is preferred for the setback from edge of pavements, back of curbs and edges of sidewalks.
  - iii. These are general guidelines and may be altered in a particular design. These will be reviewed on a case by case basis by Arapahoe County.
- d. Deciduous tree canopies should not conflict with the safe movement of pedestrians and vehicles. When locating deciduous trees, their canopies should be maintained to ensure a minimum of six feet of clearance on the pedestrian side and a minimum of 11 feet six inches on the vehicular side. (See Suggested Plant Material List in the Development Application Manual.) (Refer to Figure 4-1.3-2) Because small deciduous trees and ornamental canopies often cannot meet these criteria, their use and placement must be carefully considered.
- e. Evergreen trees, when incorporated into a landscape design, should not be planted along the immediate west and south edges of roadways. Evergreen trees promote shading of roadways in the winter months and permit ice build-up during freeze-thaw cycles.
- f. Evergreen and deciduous shrubs shall be placed to minimize conflicts with visibility, while also maintaining sight distances/triangles. Generally speaking, shrubs should be placed at least 18 inches away from the face of curb or edges of pavement in sight line/sight triangle areas. Large shrubs placed adjacent to roadways and outside the sight line/triangle areas should be kept at least four feet away from back of curb or edge of pavement. As stated previously, all shrubs placed within sight triangles and sight line areas shall be kept below 36 inches in height from the existing roadway flowline or 30 inches from the top of existing curb. These restrictions are illustrated in Figure 4-1.3-1.



STOPPED VEHICLE CROSSING A  
MAJOR HIGHWAY



(Figure 4-1.3-1)



(Figure 4-3.1-2)

- g.** As a general guideline for new roadways placed within a designated right-of-way, it is suggested that the proposed roadway be offset towards one side of the right-of-way to accommodate landscape plantings on the opposite side. This may be accomplished by deleting a parking lane in select areas or by moving the actual roadway to one side of the right-of-way centerline to promote landscaping on the opposite side. It is preferable that plantings be placed on north and east sides of the roadway to minimize shading. This will be reviewed in a case by case situation and must be approved by Arapahoe County prior to proceeding with the proposed construction documentation.
  - h.** The above referenced landscape criteria are suggested for Arapahoe County Rights-of-Way only. Landscape criteria governed by other jurisdictions (i.e. CDOT, municipalities, etc.) will be governed by that agency.
  - i.** Note: For all proposed landscape improvements and related appurtenances placed within Arapahoe County Rights-of-Way, the applicant needs to contact the Arapahoe County Attorney's Office to develop a Maintenance Agreement with the County. Arapahoe County will not be responsible for maintaining landscape improvements and related appurtenances placed within the Arapahoe County Rights-of -Way.
- 3. Irrigation Criteria**
- a.** All proposed irrigation systems that are placed within the Arapahoe County rights-of-way shall have a manual gate valve installed within the right-of-way that controls the entire irrigation system. Irrigation controllers and backflow preventors shall be installed in a relatively non-visible area while also allowing for maintenance access. Landscape plantings are also encouraged to help screen views of these items when possible. Irrigation moisture sensors are also recommended in landscape areas adjacent to roadways. Sensors tend to decrease the overall demand for water and eliminate excessive amounts of water on roadway surfaces.
  - b.** Irrigated medians as well as roadway edges should be designed to minimize conflicts with both vehicular and pedestrian traffic. When irrigated turf is proposed immediately adjacent to a roadway, it is preferred that 'pop-up' style irrigation heads be placed immediately along the back of the curb/road section. 'Rotor' type irrigation heads, if used, should be placed a minimum of eight feet from the edge of the curb road section. The intent is to eliminate or minimize irrigation water from entering pedestrian/vehicular travel lanes. These conflicts may also be further minimized through the use of low trajectory spray heads and drip emitter systems.
  - c.** All Landscape Plan submittals shall be accompanied with a Schematic Irrigation Plan that outlines:

    - i.** The proposed lap/backflow preventor and irrigation controller location;
    - ii.** The location of the manual gate valve that will control the entire irrigation system
    - iii.** The anticipated type of irrigation proposed for each area (turf, shrub beds, etc.)
    - iv.** The recommended setback distance of all proposed irrigation heads from back or curb or edge of pavement
    - v.** All proposed sleeve locations



- vi. All Irrigation Plans submitted will be reviewed by Arapahoe County on a case-by-case basis.

**K. REQUIREMENTS WITHIN DETENTION AREAS**

All development within a detention area shall be approved by the PWD Department in order to ensure compliance with approved drainage plans. Regional detention facilities are exempt from these requirements unless otherwise determined by the Board of County Commissioners. Within detention areas, the following types and quantities of plant materials and other improvements shall be required in accordance with the PWD Department review:

1. A functioning, automatic irrigation or a temporary irrigation method when native seed mixes or other low water plantings are utilized requiring temporary irrigation.
2. Natural and/or man-made landscaping features including grass seed mix or other ground cover approved during the development process for type, size, quantity and location.
3. The installation of trees, shrubs and drought tolerant grasses of a species and quantity approved by the County.
4. Development projects abutting residential lots may require fencing as determined by the PWD Department.
5. In instances where on-line detention areas are located in the 100-year flood plain, landscaping requirements may be adjusted to the specific requirements of the Urban Drainage and Flood Control District.
6. Access to the detention pond shall be secured for maintenance purposes.

**L. MAJOR DRAINAGEWAYS**

Major drainageways (basin tributary area of 130 acres or more per Urban Drainage and Flood Control District requirements) shall be maintained in the natural topography of the channel and piping or channels with side slopes exceeding 4:1 will not be allowed to convey the drainage.

**M. REQUIREMENTS WITHIN PUBLIC AND PRIVATE PARKS**

Public park requirements for landscaping improvements will be established during the development review process, which includes the agency/district receiving the park. Private parks shall be located and configured to serve as useable park area with the following improvements:

1. A minimum of one tree and 10 shrubs, or five trees and no shrubs, for every 5,000 square feet of area.
2. A functioning automatic irrigation system.
3. Natural and/or man-made landscaping features including turf grass sod, grass seed mix or other ground cover, of types, sizes, quantities and in locations approved by the development process.
4. The County may additionally require trails, lights, parking lots, playgrounds, play courts, benches, signs and other amenities suitable for the developed open space.
5. The landscaping of all parks within a residential development project shall be completed prior to the issuance of building permits for more than 50 percent of the dwelling units approved in the project unless otherwise approved by the Board of County Commissioners. Any failure to complete the required landscaping by the deadlines specified herein shall result in withholding of Certificates of Occupancy until compliance with the requirement occurs.

6. In instances where parks are located in the 100-year flood plain, landscaping requirements may be adjusted to the specific requirements of the Urban Drainage and Flood Control District and the Arapahoe County Engineering Division.
7. All parks shall be designed to blend with adjacent areas. Slopes shall not exceed 4:1 unless specifically allowed by the PWD Department.

## N. FENCE REGULATIONS

### 1. General Provisions

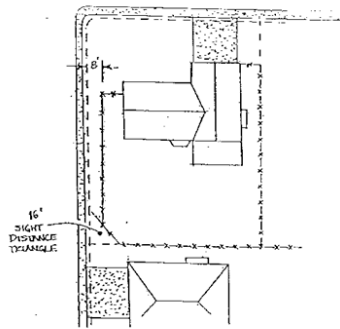
- a. No person, firm or corporation shall erect, construct, enlarge, alter or move any fence in the County without first obtaining a fence permit from the PWD Building Division, pursuant to this Section.
- b. No fence permit shall be issued by the PWD Building Division unless the applicant for such permit demonstrates compliance with the provisions of this Section.
- c. Fees for fence permits issued pursuant to this Section shall be set by the Board of County Commissioners to cover the costs of inspections and administration of this Section, and may be amended as necessary by the Board. Fees shall be paid by the applicant prior to the issuance of the fence permit.
- d. The purpose of this Section is to promote the health, safety and welfare of the public, to protect the economic and aesthetic value of Arapahoe County, and to prevent traffic hazards and the creation of nuisances. The intent of this Section is to regulate only those fences of whatever class, which are physically located or intended to serve as a boundary between adjoining properties or as a barrier or enclosure of greater than 15 percent of the area of a particular zone lot.

### 2. Classes of Fences and Walls

- a. Class 1 - MASONRY. Any fence or wall composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block, pre-cast concrete units or tile or similar building units or materials or combination of these materials laid up unit by unit and set in mortar, or pre-cast and set in place.
- b. Class 2 - ORNAMENTAL IRON. Any wrought iron or metal fence, of primarily open design, consisting of straight or curved metal bars or pieces, including metal vertical picket fences.
- c. Class 3 - CHAIN LINK. A fence of primarily open design consisting of an interlocking pattern of wire or metal of at least one-eighth inch in diameter supported by vertical and/or horizontal bars or posts of at least one and one half inches in diameter.
- d. Class 4 - WOOD PICKET. A fence that is more than 50 percent open, as viewed from outside the fence, and is constructed with wooden supports and fence materials. This type of fence includes fences with vertical pieces of wood, with or without pointed ends, as the primary fencing material (i.e., "picket fence"), as well as fences with horizontal wooden bars or rails as the primary fencing material (i.e., "split rail fence").
- e. Class 5 - SOLID. A fence that is less than 50 percent open as viewed from outside the fence.
- f. Class 6 - HEDGE. A wall consisting of living bushes, trees, plants or plant materials, but not including grass or weeds.

### 3. Requirements of Fences

- a. These requirements apply to all fences in unincorporated Arapahoe County enclosing any lot or greater than 15 percent of a lot in any zone district.
- b. Except as otherwise provided in this Section, fences erected in front of any building on a zone lot shall not exceed three feet in height.
- c. Side and rear yard fences may be of any class, as defined in Section 4-1.3.N.2 herein, but shall not exceed a height of six feet excluding hedges; provided that a side yard fence shall not extend past the lot's front building line or the adjacent neighbor's front building line, whichever is closest to the rear lot line, unless a 16 foot minimum sight distance triangle is provided and that the fence is a minimum setback of eight feet from the side (corner) property line as illustrated below:



- d. Except as otherwise provided in the Definitions Section, side and rear yard fences may be of any class, as defined in Section 4-1.3.N.2 but shall not exceed a height of six feet excluding hedges; provided that a side yard fence shall not extend past the lot's front building line or the adjacent neighbor's front building line, whichever is closest to the lot's rear lot line.
- e. Except as otherwise provided in this Section, rear yards and side yards siding onto a major collector or arterial street may have a masonry wall not exceeding eight feet in height under the following conditions:
  - i. The wall must not be located within the public right-of-way and easements that are dedicated to Arapahoe County;
  - ii. The wall must be designed by a structural engineer licensed in Colorado for all applicable loads. The wall must be built in conformance to the wall construction plans approved by the Building Division;
  - iii. The same height, design, colors and materials must be used for the entire frontage of the subdivision.
- f. No barbed wire or electrically charged fence shall be erected or maintained, except on land zoned A-E, A-1, RR-A, RR-B, PUD where stables are a legal use, B-3, B-4, I-1 or I-2, in portions of PUDs where industrial uses are allowed, and/or in conjunction with a jail or correctional facility. On land zoned B-3, B-4, I-1 or I-2, or portions of PUDs where industrial uses are allowed, the fence must be of chain link construction, and the barbed or electrically charged portion of the fence must be at least six feet six inches above the finished grade outside the fence. Any electrically

charged fence in any zone district shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged, and shall be maintained by its owner.

- g. On corner lots, no fence or retaining wall shall be erected or maintained which obstructs the vision of automobile traffic on the adjacent streets or driveways.
- h. Retaining walls exceeding a height of four feet from the finished grade on the low side of the wall shall be designed by a licensed structural engineer, and plans submitted for a fence permit shall show the seal of such engineer. Retaining walls within 30 feet sight triangles cannot exceed three feet in height.
- i. Every fence in the County, including but not limited to those fences for which no permits are required, shall be maintained in good structural condition at all times. The PWD Director, or his designees, or the Zoning Administrator, or his designee, shall inspect and have the authority to order the repair or removal of a fence which constitutes a nuisance or hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which shall constitute a hazard or zoning violation for any other reason.
- j. Fences on land zoned A-E, A-1, or RR-A are excluded from the requirements of this Section, except for Sections 4-1.3.N.3.d and 4-1.3.N.3.g, as long as such land is used for agricultural purposes and proper maintenance is exercised by its owner.
- k. Fences in B-3, B-4, I-1 or I-2 districts may be up to eight feet tall, provided that the fence must be of Class 3 construction.
- l. Fences surrounding tennis courts may be up to 12 feet tall.
- m. When the provisions of this Section conflict with the special fence provisions for particular uses found in other Sections of these Regulations, such special provisions shall control.
- n. Sound barrier walls, when constructed adjacent to major arterial roadways, shall be designed in accordance with CDOT.

**O. CORNER LOTS**

On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any obstructive plant growth having a height in excess of three feet above the elevation of the lowest point on the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior lot lines a distance of 30 feet along said front and side lot lines, connecting the points so established to form a single triangle on the area of the lot adjacent to the street intersection. However, all structures shall set back no less than 25 feet from each lot line abutting a street unless an approved P.U.D. Plan permits a lesser setback.

**4-1.4. Lighting**

**A. INTENT**

The purpose of the outdoor illumination standards are to:

1. Provide adequate lighting for safety and security;
2. Reduce light pollution, light trespass, glare, sky glow impacts, and offensive light sources;
3. Prevent inappropriate, poorly designed or installed outdoor lighting;
4. Encourage quality lighting design, light fixture shielding, uniform light intensities, maximum lighting levels within and on property lines, and lighting controls;
5. Promote efficient and cost effective lighting and to conserve energy; and

6. Provide an environmentally sensitive nighttime environment that protects significant wildlife habitat.

**B. APPLICABILITY**

The lighting standards contained in this Chapter shall apply to all exterior lighting, including illumination from outdoor signs and any interior lighting from buildings or structures that affect the outdoor environment, unless otherwise excepted or exempted herein. All uses that require Arapahoe County approval of a General Development Plan, Specific Development Plan, Administrative Site Plan, or Use by Special Review shall conform to these lighting standards.

**1. Conformance at the Time of Building Permit Application**

These requirements shall be met prior to a final inspection for any building permit for new development or any redevelopment in accordance with the appropriate process requirements for the application.

**2. Replacement of Fixtures**

If an existing non-standard light fixture is removed, it shall only be replaced with a conforming light fixture, or fully shielded, and mounted and in compliance with Illuminating Engineers Society of North America (IESNA) standards for full cut-off.

**3. Replacement of Lamps**

To the extent that compliance with this section can be achieved by replacement of a lamp within a light fixture, such lamp shall be replaced after failure of the lamp.

**4. Single Family Detached Development**

The lighting standards contained herein shall not apply to SFD except for the following:  
a) existing unshielded mercury vapor light fixtures shall be removed, replaced or shielded after failure of the lamp with light fixtures or shields that meet the requirements of this section, and b) all replacement lighting and lighting for new SFD development shall meet requirements for glare and light trespass as set forth in Section 4-1.4.A and Section 4-1.4.C. SFD on parcels consisting of 100 acres or larger and zoned A-E and A-1 shall be exempt from any of the lighting standards contained herein.

**5. Exemptions**

The standards of this section shall not apply to the following types of exterior lighting:

- a. Ornamental Lighting: Ornamental landscape lighting where the maximum wattage of any single light fixture does not exceed the equivalent of 15 watts incandescent or 100 lumens and is not used from 12:00 a.m. to dusk.
- b. Strings of Light: Strings of light on residential properties shall be exempt from the requirements of this chapter.
- c. Aviation Lighting: Lighting used exclusively for aviation purposes. All helipad lighting shall be turned off when the helipad is not in use.
- d. Right-of- Way Lighting: Public lighting located within the right-of-way is exempt from these lighting regulations except for requiring full cut-off fixtures on luminaries greater than 3,200 lumens (section 24-82-902, C.R.S.)

**C. OUTDOOR LIGHTING DESIGN STANDARDS**

For all lighting subject to these regulations, no person shall install or maintain any exterior lighting that fails to meet the requirements of this section. Exterior lighting shall meet the following design standards:

**1. Shielded from View**

The illumination from a lamp that emits more than 900 lumens shall be fully shielded from view from adjacent properties and public right-of-ways, except as otherwise permitted herein. Fixtures shall meet the IES standards for fully shielding, full cut-off and mounting of fixtures.

**2. Light from Buildings and Signs**

Illuminance levels shall not exceed 10 foot candles measured as initial horizontal illuminance, except as otherwise permitted herein. The initial illuminance level is measured following 100 hours of operation. The illuminance levels at building entrances and windows may exceed the maximum allowed by 100 percent to a distance of five feet from the building in order to accommodate light spillage from within the building and light from signage. The maximum outdoor illuminance level must be achieved at a distance of 10 feet from the building or use.

**3. Maximum Initial Line-of-Sight Illuminance**

PWD staff may request an analysis of line-of-sight on a case-by-case basis dependent on site conditions. The maximum initial line-of-sight illuminance is measured at the property line, measured five and one-half feet above grade aimed in a direct line of sight to the brightest light fixture visible from such point, shall not exceed 0.3 foot candles for non-residential or 0.1 foot candles on residential properties. The Planning Division Manager may waive this requirement if there are no residential uses abutting the subject site and/or the light trespass does not reach the property zoned or used for residential purposes at the time the light fixture is installed.

**4. Light Source Requirements**

All outdoor light fixtures should utilize one the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten- halogen), high pressure sodium and LED. Alternatives are permitted provided they are authorized by the Planning Division Manager and meet the requirements for an Exception as detailed in Section 4-1.4.D based on IESNA (Illuminating Engineers Society of North America) recommendations.

**5. Signs**

Pan channel signs (letters only) shall not exceed maximum luminance ratings (unit of brightness). Enforcement will occur on a complaint basis for LED or luminance greater than 1,000 candela per meter squared or 1000 nits. All lighting of signage shall comply with Section 4-1.5, Signs, of this LDC.

**6. Standards for Lights adjacent to Property Zoned Residential or Next to Public Right-of-Way**

Any light fixture located within 15 feet from a property line within or next to a residential zoning district, or within 10 feet of a public right-of-way shall be:

- a. Aimed away from the property line or right-of-way;
- b. Classified as a IESNA Type III or Type IV; and
- c. Shielded on the side facing the residential property or public right-of-way.

**7. Maximum Light Fixtures on Poles**

There shall be no more than two light fixtures per pole except for sports lighting and lighting for public recreational facilities.

**8. Canopy lighting**

Lighting fixtures mounted on canopies shall be installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy and parallel to the ground. A full cut off light fixture may project below the underside of a canopy. All light emitted by an under canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. No lighting except that permitted by the sign ordinance shall be permitted on the top or sides of a canopy.

**9. Flag Poles**

A flagpole may be illuminated by one upward aimed fully shielded spotlight light fixture which shall not exceed 3500 lumens (50 watts metal halide). The light fixture shall be placed as close to the base of the flagpole as reasonably possible.

**10. Strings of Lights**

No person shall use a string of lights on property with non-residential uses except as follows:

- a. They are approved by the Planning Division Manager as part of an outdoor illumination plan or landscape plan approved by the Planning Commission and/or Board of County Commissioners.
  - i. Such plan must comply with all of the standards of these regulations.
  - ii. The use of such lighting shall be to create ambiance and pleasing pedestrian spaces in an energy efficient manner. Low wattage or low voltage fixtures and luminaries are required.
  - iii. Such lighting is limited to pedestrian areas including plazas, patios, landscape features, and primary entries into buildings.
  - iv. No such illumination is allowed in any required landscaped setback adjacent to a street.
- b. They are for lighting displays from the last Thursday in November through the last Thursday in January.

**11. Parking Lot Lighting**

All lighting used to illuminate off-street parking areas shall be arranged as to reflect light glare away from abutting properties and abutting streets.

**D. EXCEPTIONS**

The Planning Division Manager or designee is authorized to grant exceptions to these regulations in accordance with the following standards:

**1. Equivalent Material**

The Division Manager may approve any such alternate provided that the proposed design, material or method provides an approximate equivalent method of satisfying the standards of these regulations and comply with IESNA recommendations.

**2. Exceptions**

The Division Manager may grant an exception from the provisions of this section if the Division Manager finds that:

- a. There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the exception is sought, which circumstances or conditions are unique to such land, buildings or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the subdivision:

- b. The granting of the exception will generally be consistent with the purpose of this section and will not be injurious to the subdivision or otherwise detrimental to the public welfare; and
- c. The exception is a minimum change that provides the relief requested.

**3. Temporary Lighting Exemption**

The Division Manager may grant an exception from the requirements of this section for temporary structures and uses that comply with Section 5-4.4 and the Use Specific Standards in Section 3-3.6 of this LDC, if the Division Manager finds the proposed lighting is designed in such a manner as to minimize light trespass and glare as described in Section 4-1.4.A.

**E. SUBMITTAL PROCESS**

When a lighting plan is necessary through a General Development Plan, Specific Development Plan, Administrative Site Plan, or Use by Special Review, the submittal requirements are determined by those regulations. When an approved General Development Plan, Specific Development Plan, Administrative Site Plan, or Use by Special Review does not adequately address lighting, these regulations shall govern. When an application is not part of a formal subdivision or zoning application and is being processed through the building permit process, the following standards and process will be required.

**F. LIGHTING PLAN REQUIREMENTS**

Lighting plan requirements are found in the Development Application Manual, Part 6.

**G. DESIGN REQUIREMENTS**

The style, color and design of the fixtures shall be compatible with the overall design concept and use of materials for the building, site and area of the lighting plan.

**H. INSTALLATION AND MAINTENANCE STANDARDS**

- 1. Operation and maintenance cost of the lighting system shall be the responsibility of the property owner.
- 2. Requirements for maintenance shall include replacement of bulbs and light fixture, regular cleaning and replacement of light fixtures as needed.

**I. HOURS OF OPERATION**

All light fixtures shall operate in accordance with the requirements of this section.

**1. Pre-curfew**

Pre-curfew light levels shall meet the standards specified in Section 4-1.4.J.

**2. Post-curfew**

Post-curfew light levels shall meet the standards specified in Section 4-1.4.J. Post-curfew lights shall be operated as follows:

- a. Lights shall be controlled by automatic timers and turned off by 10:00 PM or within one hour of the close of the facility unless otherwise stated in the chart. After 10:00 p.m., controls such as motion sensors are required during post-curfew hours. Motion sensors or timers may also be used to activate additional lighting during emergency situations.
- b. All parking lot light fixtures, except the minimum necessary for security, shall be extinguished by 10:00 p.m. or within one hour after the close of the facility, and remain extinguished until dusk or one hour prior to the commencement of business,



whichever is later. Security levels may include one of the following as determined by the Planning Division Manager:

- i. no more than one foot candle,
  - ii. 80 percent reduction in light level, or
  - iii. one pole mounted fixture near the main entrance(s).
- c. All non-essential lighting shall be turned off after the close of business or 10:00 p.m. whichever is more restrictive. Non-essential lighting includes but is not limited to lighting of landscaping, architectural features, tennis courts, ball fields, etc.

**J. MAXIMUM LIGHTING STANDARDS**

**1. General Provisions**

- a. No person shall operate any device, which makes light in excess of the levels specified in this section.
- b. Light from any light fixture shall not exceed any of the following limits for its appropriate zoning district classification or use classification set forth in the tables below.
- c. Any request to vary from these standards must be approved through Section 4-1.4.D for an Exception.
- d. In the event an applicant requests lighting levels at the higher levels specified by any use classification, such area shall use the minimum amount of light necessary to light only the use area. The remaining area on such a property shall use the lower standards for the zoning district classification.

**2. Lighting Standards Tables**

The following tables specify the lighting criteria based upon general land use categories. The land uses are divided between the Urban Area, Rural Area, and Rural Town Center Planning Areas as defined by the Comprehensive Plan.

TABLE 4-1.4.1 URBAN AREA LIGHTING STANDARDS			
fc = foot candle			
	Single-Family Attached, Multi-Family Residential	Commercial, Office, Industrial	Public, Semi-Public Use
<b>Maximum initial horizontal illumination</b>	Building entries and parking lots: 5 fc	Building entries and parking lots: 10 fc  Under canopies: 20 fc Limited basis**: 20 fc	Building entries and parking lots: 10 fc
<b>Maximum initial lamp lumens rating for all cut-off luminaries</b>	Parking lots with 6 or more spaces: 8,500 lumens  All other areas: 3,500 lumens	Parking lots < 5 acres: 24,000 lumens  All other areas: 21,500 lumens	All areas: 13,500 lumens
<b>Post-curfew maximum initial horizontal illuminance rating</b>	Entry lights may be left on. All other lighting except for parking lot and pedestrian circulation in commons areas shall be turned off.	Parking lots with more than 2 poles and pedestrian circulation lighting shall be reduced to security levels*.  Landscape, building façade and non- circulation lighting shall be turned off.	
<b>Controls</b>	Required post curfew	Required post curfew	Required post curfew
<b>Maximum allowable pole height (includes base and luminaries)</b>	Parking lots: 20 feet  All other areas: 15 feet	Parking lots < 5 acres: 25 feet  Parking lots ≥ 5 acres: 35 feet	Parking lots within or adjacent to residential zones: 20 feet  All other areas: 5 feet
Notes:  *Security levels may include one of the following as determined by the Planning Division Manager: 1) 1 fc or less, 2) 80 percent reduction in lighting equipment left on, or 3) one pole mounted fixture near the main entrance(s).  **A limited basis may include a main feature such as the front row of vehicles, a highlighted vehicle on a pad, retail canopies similar to gas stations and fast food canopies as long as the lighting equipment is full cutoff.			

TABLE 4-1.4.2 URBAN AREA/RURAL AREA/RURAL TOWN CENTER PLANNING AREAS LIGHTING STANDARDS				
fc = foot candle				
	Parking Structures/Covered Parking Use	Private Recreation	Public Recreation Use	Emergency Facility Use
<b>Maximum initial horizontal illumination</b>	10 fc within structure and at vehicle and pedestrian entries  50 fc at entrances for up to 20 feet during	The lesser of 30 fc or the IESNA standards for the specific sports venue	The lesser of 50 fc or the IESNA standards for the specific sports venue.  5 fc in parking lots and	5 fc at building entries, under canopies and emergency parking areas  5 fc in parking lots and pedestrian circulation

TABLE 4-1.4.2 URBAN AREA/RURAL AREA/RURAL TOWN CENTER PLANNING AREAS LIGHTING STANDARDS				
fc = foot candle				
	Parking Structures/Covered Parking Use	Private Recreation	Public Recreation Use	Emergency Facility Use
	daylight hours  5 fc for uncovered portions of parking areas and external pedestrian circulation areas	5 fc in parking lots and pedestrian areas	pedestrian areas	areas
<b>Maximum initial lamp lumens rating for all cut-off luminaries</b>	13,500 lumens	Sports Field: 23,000 lumens  All other areas: 8,500 lumens	107,000 lumens (sports fields only)  All other areas: 13,500 lumens	8,500 lumens
<b>Post-curfew maximum initial horizontal illuminance rating</b>	Same as pre-curfew, except that all non-circulation and non-parking area lighting shall be turned off.	No lighting except that for minimum security levels* permitted after curfew	Sports field or court lighting: Turned off 30 minutes after last event.  Pedestrian circulation and parking areas: 3 fc max for maximum of one hour after last event. Security levels* thereafter.	Same as pre-curfew except landscape, recreational and non-circulation lighting shall be turned off
<b>Controls</b>	Automatic day-light controls required	Required post curfew	Required post curfew	Required post curfew
<b>Maximum allowable pole height (includes base and luminaries)</b>	Uncovered upper parking levels: 15 feet	Residential zones: 20 feet  All other zones: 25 feet		Parking lots within or adjacent to residential zones: 20 feet  All other zones: 25 feet
Notes: *Security levels may include one of the following as determined by the Planning Division Manager: 1) 1 fc or less, 2) 80 percent reduction in lighting equipment left on, or 3) one pole mounted fixture near the main entrance(s).				

TABLE 4-1.4.3 RURAL AREA/RURAL TOWN CENTER PLANNING AREA LIGHTING STANDARDS			
fc = foot candle			
	Single-Family/Attached Multi-Family Residential	Commercial, Office, Industrial, B-1, B-3, B-4, I-1, I-2, MU	Public, Semi Public Use, Schools, Churches
<b>Maximum initial horizontal illumination</b>	Building entries	Building entries	Building entries
	and parking lots: 5 fc	and parking lots: 5 fc Under canopies: 15 fc	and parking lots: 5 fc
<b>Maximum initial lamp lumens rating for all cut-off luminaries</b>	3,500 lumens	13,500 lumens (250 watts on 35 foot poles)	8,500 lumens
<b>Post-curfew maximum initial horizontal illuminance rating</b>	Entry lights may be left on. All other lighting except for parking lot and pedestrian circulation in commons areas shall be turned off.	Landscape, building façade and non-circulation lighting shall be turned off.  Parking lots with more than 2 poles and pedestrian circulation lighting shall be reduced to security levels*.	
<b>Controls</b>	Required post curfew	Required post curfew	Required post curfew
<b>Maximum allowable pole height (includes base and luminaries)</b>	Parking lots: 20 feet	Parking lots: 25 feet	Parking lots within or adjacent to residential zones: 20 feet
	All other areas: 15 feet	Parking lots ≥ 5 acres: 35 feet All other areas: 20 feet	All other areas: 25 feet
Notes: *Security levels may include one of the following as determined by the Planning Division Manager: 1) 1 fc or less, 2) 80 percent reduction in lighting equipment left on, or 3) one pole mounted fixture near the main entrance(s).			

#### 4-1.5. Signs

##### A. INTENT

This Section 4-1.5 is designed to provide regulations for the erection and maintenance of signs. The general objectives of these regulations are to enhance the health, safety, welfare and convenience of the public and to achieve the following:

1. To promote the safety of persons and property by providing that signs not create a hazard due to collapse, fire, collision, decay or abandonment, and do not create traffic hazards by confusing or distracting motorists, by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
2. To promote the efficient communication of sign messages that provide information most needed and sought by the public, and to ensure that persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore those messages according to the observer's purpose.

3. To protect the public welfare and to enhance the appearance and economic value of the landscape by protecting scenic views. In addition, signage shall not create a nuisance to persons using the public right-of-way, and shall not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, or height.
4. To preserve and promote the visual and aesthetic quality of the county in order to enhance citizen's quality of life, provide a favorable investment climate, and implement the goals of the County's adopted comprehensive plan.
5. To serve as general guidelines for the administration of signs through the Planned Unit Development process on rezoning and/or Detailed Development Plan applications, such as a Specific Development Plan.
6. To comply with all federal and state laws promoting freedom of speech and expression and content-neutral regulation of signs, as interpreted by relevant court decisions.

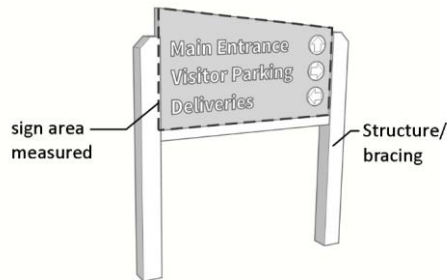
**B. GENERAL PROVISIONS**

1. A sign permit shall be required from the PWD Building Division for all signs exceeding six square feet in area or six feet in height, unless otherwise exempted by regulations within this Section 4-1.5. In addition, a sign permit shall be required at any time the sign area is increased, and any time a static message sign is converted to an electronic message sign, or vice versa. Applications for sign permits shall be made to the Arapahoe County Department of Public Works and Development. Upon receipt of such application the Department shall act on the application within 60 days of the date of receipt of the application. Permit applications for any proposed sign shall be issued if the proposed sign meets the requirements of this Sign Code.
2. Freestanding signs permitted by these regulations shall be no taller than six feet to the top of the sign structure, unless otherwise permitted, and the sign face shall be no larger than 48 square feet per face.
3. All requests for a sign permit shall be accompanied by a drawing that is fully dimensioned, showing the sign structure ~~and message~~, and a site plan showing the location, setbacks, height and sign area of all proposed and existing signage.
4. Sign permit fees shall be established by the Board of County Commissioners and paid to the PWD Building Division.
5. Signs within PUDs shall comply with the provisions set forth within the General and/or Specific Development Plan for the parcel, as approved and/or amended by the Board of County Commissioners or otherwise as provided under the Land Development Code, except that no PUD may be approved to allow for the installation of a new billboard sign or to convert an existing billboard sign to an electronic message board billboard sign. These Sign Regulations shall govern if the General and/or Specific Development Plans do not address provisions required by these regulations (i.e. g., permits, prohibited signs, definitions, ~~etc.~~).
6. These regulations recognize other regulations pertaining to signage, such as the State of Colorado, Department of Highways, "Rules and Regulations Pertaining Governing to Outdoor Advertising in Colorado," effective January 1, 1984; 2 CCR 601-3, as may be amended. Where any provision of these regulations cover the same subject matter as other regulations, the more restrictive regulation shall apply.
7. Sign Area Measurement
  - a. Area to be Measured  
The structure or bracing of a sign shall be omitted from the measurement unless the structure or bracing is made part of the message or face of the sign. Where a sign

(including but not limited to an awning sign) has two display faces placed back-to-back, the area of only one face shall be included in determining the area of the sign.

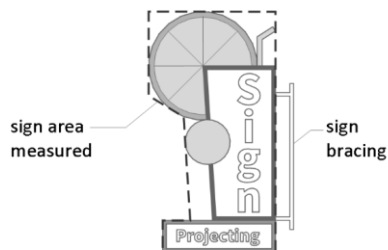
**b. Sign With Backing**

The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the display surface or face of the sign including the frame, backing, face plates, nonstructural trim or other component parts if not used for support.



**c. Signs Without Backing**

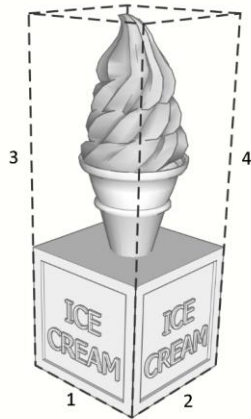
The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the limits of each letter, word, written representation (including any series of letters), emblems, logos or figures of similar character including the frame, face plates, nonstructural trim or other component parts if not used for support.



**d. Three-dimensional Signs<sup>379</sup>**

The sign area of a three-dimensional sign shall be calculated as 50 percent of the surface area of the smallest four-sided box that could enclose the vertical features of the sign.

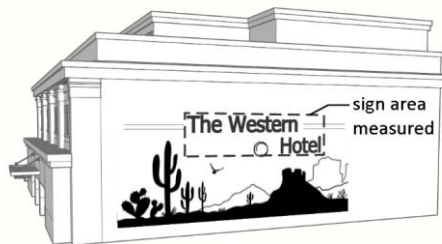
<sup>379</sup> New in Spring 2023.



$$\text{sign area} = ((1 \times 3) + (2 \times 4)) \times 50\%$$

**e. Murals<sup>380</sup>**

The sign area of a mural shall be calculated as that area of the mural used to identify the owner or sponsor of the mural or the building on which it is displayed.



**d.f. All Other Signs or Combinations of Signs**

The area of any sign having parts both with and without backing shall be measured by determining the total area constituting the smallest single perimeter enclosing the limits of either of the following combinations:

- i. The display surface or face of the sign including all frames, backing, face plates, nonstructural trim: or
- ii. Other component parts not otherwise used.

**8. Illumination and Color**

Illuminated signs shall be illuminated by lighting internal to the sign. If this is not possible, the source of illumination shall be shielded and shall not cause glare on

<sup>380</sup> New in Spring 2023.

adjacent properties. Top of Building-Facade Signs located on office and industrial buildings shall not be illuminated after 10 p.m. or before 6 a.m.

**9. Public Right-of-Way**

All signs erected in public rights-of-way by the federal, state, or local government or by a public agency authorized by the federal, state, or local government for the purpose of controlling or directing the traveling public shall be exempt from the provisions of these Regulations.

**10. Maintenance**

Signs and sign structures shall be maintained by their owners at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust, or loosening. Signs shall be able to safely withstand the maximum wind pressure for the area in which they are located. The County Building Inspector shall have the authority to order the repair, alteration, or removal of a sign or sign structure which constitutes a hazard to life or property. In the event that such a sign has not been removed, altered, or repaired within 30 days after written notification from the Director of PWD or a designated representative, or the County Zoning Administrator or a designated representative, the County shall have the authority to remove said sign or structure at the expense of the owner of the premises on which the sign is located, without liability to the County.

**C. SIGNS NOT REQUIRED TO OBTAIN PERMITS**

The following types of signs are allowed without need to first obtain a sign permit from the County:

- 1.** Any official and legal notice issued by, or any sign or notice required to be installed by, any government, public body, person, officer, or court in performance of a public duty or in giving any legal notice.
- 2.** Any interior sign located within an activity and/or structure and ~~not visible from a public right-of-way or adjacent property~~ at least 18 inches horizontally inside any exterior window, door, or wall surface.
- 2.3.** Any signs placed in or on a window or the glass portion of a door and intended to be visible from a public right-of-way or adjacent property, provided that such all such signage, measured together, do not exceed 25 percent of the glass surface on or in which it is located.<sup>381</sup>
- 3.4.** Any tablet, plaque, or cornerstone etched or carved into or onto buildings.
- 4.5.** One sign per building surface that does not exceed two square feet in size and does not project more than six inches from the building surface.
- 5.6.** Any temporary sign erected for a period not to exceed 90 consecutive days in a calendar year, that does not exceed six square feet in size and does not exceed four feet in height on any lot or property where the primary use is a single-, two-, or multi-family residential structure. These temporary signs shall not be required to meet the minimum yard setback requirements of the districts in which they are located, but shall not impair visibility for traffic movement.
- 6.7.** Any temporary sign erected for a period not to exceed 90 consecutive days in a calendar year, that does not exceed 32 square feet in size, and that does not exceed four feet in

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<sup>381</sup> Added Fall 2023.



height on any property where the primary use is agricultural, commercial or industrial. These temporary signs shall not be required to meet the minimum yard setback requirements of the zoning districts in which they are located, but shall not impair visibility for traffic movement.

~~7.8.~~ Any temporary site or building decorations that are displayed for a period of not more than 60 consecutive days and not more than 60 days in any one year.

~~8.9.~~ Any sign that is located on a lot where the primary use is commercial or industrial, that is oriented primarily for viewing by persons travelling within the lot (and not from a public street or right-of-way), that does not exceed 10 square feet in size and does not exceed four feet in height. The signs allowed under this paragraph shall not be required to meet the minimum yard setback requirements of the zoning district in which they are located, but shall not impair visibility for traffic movement.

~~9.10.~~ Any flags that are located on a lot where the primary use is single-, two-, or multifamily residential structure(s) and that do not exceed 20 square feet in size and are mounted on a pole that does not exceed 35 feet in height or the maximum height permitted in the zoning district in which the lot is located, whichever is less.

~~11.~~ Any flags that are located on a lot or parcel where the primary use is agricultural, commercial, or industrial and that do not exceed 50 square feet in size and are mounted on a pole that does not exceed 50 feet in height or the maximum height permitted in the zoning district in which the lot or property is located, whichever is less.

~~10.12.~~ Any murals, provided that the sign area of the mural (as defined in Section above), when measured together with all other fascia signs on the same building façade, does not exceed the maximum permitted size of a fascia signs on that building façade.<sup>382</sup>

#### D. SIGNS PROHIBITED IN ALL DISTRICTS

The following types of signs are not permitted in any zoning district in unincorporated Arapahoe County:<sup>383</sup>

~~1.~~ Signs on which a message appears on more than 2 faces.

~~2.1.~~ Signs constituting a traffic hazard.

No person shall install or maintain or cause to be installed or maintained any sign that simulates or imitates in size, color, lettering, or design any traffic sign or signal, or that includes any other words, phrases, symbols and/or characters that may interfere with, mislead or confuse traffic or otherwise create a traffic hazard.

~~3.2.~~ Signs on public property.

Signs are prohibited on any street, median, island, parkway, sidewalk utility pole, tree, traffic control sign post, traffic signal, any other official traffic control device, within or projecting over any public road right-of-way, or on or projecting over any other public property without the approval of the government or public entity that owns or regulates traffic or activities on that public property, except that signs on bus benches and transit shelters that conform with this Section 4-1.5 shall be permitted.

~~4.3.~~ Obscene or unlawful materials.

<sup>382</sup> Added Fall 2023.

<sup>383</sup> Prohibition on signs with messages on more than two faces was deleted in Fall 2023 because revised regulations allow three-dimensional signs.

It shall be unlawful for any person to exhibit, post or display, or cause to be exhibited, posted, or displayed upon any sign, anything of an obscene nature, or unlawful activity (as defined by the Colorado Revised Statutes, as amended, or as interpreted by the courts of the State of Colorado or the United States).

**5.4.** Signs ~~on doors, windows, or fire escapes interfering with fire safety.~~

No sign shall be installed or maintained so as to prevent ~~access to or interfere with~~ free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape, except those signs required by other codes or ordinances.

**6.5.** Animated or moving signs. ~~What about Neon/LED signs?~~

**7.6.** Interior and/or exterior signs visible from a public right-of way consisting of any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating or otherwise animated light are prohibited, however this does not include electronic message boards that comply with this Chapter 4-1.5.

**8.7.** Billboard signs.

**8.** ~~Vehicle signs.~~

**9.** Flags, banners or other devices designed or allowed to wave, flap or rotate with the wind that do not comply with Sections 4-1.5.C.9, 4-1.5.C.10, 0, 4-1.5.F.4, and/or 4-1.5.F.5.

**10.** Signs in proximity to utility lines.

No sign shall be constructed or maintained that has less horizontal or vertical clearance, or that is located within any required easement width, from authorized communication or energized electrical power lines, than that required by the laws of the State of Colorado and regulations duly promulgated by agencies of the state or electric utilities authorized to serve Arapahoe County.

**11.** Portable signs that are not permanently affixed to any structure on the site or permanently mounted to the ground.

**12.** Any signs emitting sound ~~that is not a Menu Board Sign.~~

**13.** Roof-mounted signs or signs which project above the highest point of the building.

**14.** Signs attached to a building which project perpendicularly from the building a distance of more than 18 inches.

**15.** Signs attached parallel to the wall of a building, but mounted more than 18 inches from the wall.

**E. SIGNS DISPLAYED ON ~~RESIDENTIAL AND AGRICULTURAL AND RESIDENTIAL~~ PROPERTIES**

**1.** For lots and parcels ~~in an agricultural or residential zoning district, and~~ on which the primary use is agricultural or residential, the following on-premise signs shall be allowed ~~on agriculturally or residentially zoned properties:~~

- a. One sign per dwelling that does not exceed two square feet in area. No permit is necessary for this type of sign.
- b. One temporary sign per primary structure containing a residential dwelling that is not a multifamily dwelling, that does not exceed six square feet in area, that does

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not exceed four feet in height (including posts), and that is not illuminated. These signs shall not be required to meet minimum yard setback requirements of the zone district in which they are located, but shall not impair visibility for traffic movement. No permit is necessary for this type of sign.

- c. Temporary signs on vacant lots or parcels of land, provided that the total surface area of all such signs (does not exceed 100 square feet per lot or parcel, provided that the total surface area of any one sign does not exceed 50 square feet, and provided that the signs are set back at least 10 feet from the property boundaries and the public rights of way.
- d. One temporary sign per street frontage on each lot containing a primary structure with a multifamily or non-residential use, provided that the total surface area of each sign does not exceed 32 square feet per face (a maximum of two faces are permitted for each sign) and does not impair traffic visibility.

**2.** In Agricultural zoning districts A-E and A-1:

- a. ~~One~~ One additional sign per permitted use, accessory use, special exception use or use by special review shall be permitted per street frontage, provided the total surface area of such signs does not exceed 50 square feet per lot or parcel; and
- e.b. One sign on an Agricultural Entry Feature, provided the sign area does not exceed 40 square feet and the height does not exceed 20 feet.<sup>384</sup>

**2.3.** In any zoning districts other than the A-E or A-1 districts, ~~o~~One sign located at each entrance to a residential subdivision, neighborhood or community, from an adjacent public street, provided that the surface area of each sign does not exceed 40 square feet, the maximum height of such signs shall not exceed six feet, and the signs are located so as not to impair vehicular visibility.<sup>385</sup>

**3.4.** Temporary signs located at the entrance to an approved subdivision where dwelling units are under construction or approved to be constructed; provided that no more than one sign is located adjacent to each street abutting the subdivision and that the total surface area of each sign face do not exceed 32 square feet. This type of sign shall be located at least 10 feet from the public right of way, but otherwise shall not be required to meet minimum yard setback requirements of the zoning district in which it is located and shall not remain erected after the last dwelling unit is sold, rented or leased.

**4.5.** One temporary sign per model home within an approved residential subdivision, provided that the surface area of each sign does not exceed 16 square feet. Such signage shall be located at least 10 feet from the public right of way, and shall not remain erected after the last model home is sold, rented or leased.

**F. GENERAL PROVISIONS FOR ALL PRIMARY USES NOT AGRICULTURAL OR RESIDENTIAL**

The following standards apply to all signs that are not addressed by Subsection E (Signs Displayed on Agricultural and Residential Properties), provided, however, that if these standards conflict with more specific standards in Subsections G ( ), H ( ), I (Specific Provisions for Multi-Tenant Retail Uses) or J (Specific Provisions for WCFs), the provisions of Subsections G, H, I, or J, shall apply.<sup>386</sup>

<sup>384</sup> Added Fall 2023, together with a definition of agricultural entry feature.

<sup>385</sup> Revised Fall 2023 to avoid overlap with Agricultural Entry Feature sign allowance.

<sup>386</sup> Introductory text added for clarity in Spring 2023. Per discussion with staff, regulation of letter heights based on location and distance from street were deleted in Fall 2023. These types of standards are generally not included in newer sign codes.

**5. Fascia Signage Message Letter Heights**

The maximum allowable height of fascia messages sign lettering shall be determined by measuring the distance between the nearest adjacent public right-of-way and the location of the fascia upon which the fascia sign is to be placed, at the rates shown in the table below. Up to 10 percent of the width of the fascia may be occupied by message content up to one and one half (1½) times the maximum height of the message height shown in the table below.

Distance from R-O-W (feet)	Signs Between Top of Storefronts and Second Level Finish Floor (inches)	Top of Building Signs (inches)
0-50	12	18
51-100	18	24
101-150	24	30
151-200	30	36
201-250	36	42
251-300	42	48
301+	48	48

**6.1. Fascia Signs Signage Maximum Sign Area and Location<sup>387</sup>**

The maximum allowable sign area for any fascia sign shall be measured by multiplying the permitted letter height (converted to feet) by two thirds the length of the fascia or building elevation upon which such sign is to be placed, provided, however, that no fascia sign shall exceed 200 square feet, unless otherwise stated in this Section 4-1.5 (see Sections 4-1.5.G, 4-1.5.H, and 4-1.5.I for additional limitations).

- a. In cases where a property user has two structures, one of which is accessory, whether attached or not, and more than one structure faces the same adjacent public right-of-way, only one of the structures will be permitted fascia signage.
- b. Fascia signage is permitted on each primary building façade as shown in the table below:

Type of Fascia Sign	Zoning District	Maximum Number of Fascia Signs	Maximum Sign Area
Primary	B-1, B-3	1 per street facing façade of primary building	0.5 sq. ft. per linear foot of primary building façade width, Max 65 sq. ft.
	B-4	1 per street facing façade of primary building, plus 1 if street facing lot frontage < 200 ft.	0.5 sq. ft. per linear foot of primary building façade width, Max 100 sq. ft.
	B-5		0.5 sq. ft. per linear foot of primary building façade width, Max 200 sq. ft.
	I-1, I-2	1 per street facing frontage of primary building, plus	

<sup>387</sup> Special fascia sign allowances for Office, Industrial, Hotel/Motel, Hospital, and single-tenant Retail uses deleted in Fall 2023 to match more common practice.

**TABLE 4-1.5.2. PERMITTED FASCIA SIGNS**

Type of Fascia Sign	Zoning District	Maximum Number of Fascia Signs	Maximum Sign Area
		1 if street facing lot footage < 400 ft.	
	O	1 per street facing façade of primary building	0.25 sq. ft. per linear foot of primary building façade width, Max 65 sq. ft.
	PUD	Allowance for base district with most similar permitted uses and development intensities, as determined by Zoning Administrator, applies	
Accessory	B-1, B-2, B-4, B-5, I-1, I-2	1 per primary building pedestrian entrance	35 sq. ft.
	O	None	None
	PUD	Allowance for base district with most similar permitted uses and development intensities, as determined by Zoning Administrator applies	

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- ~~c.~~ Fascia signs shall not overlap or cover features of the building, such as cornices, eaves, windows, door frames, columns and other decorative elements.
- ~~d.~~ Fascia signage shall not be permitted to be placed above the first floor elevation for the structure upon which it is placed, unless otherwise specifically permitted in this Section 4-1.5 by Subsection b below.
- ~~a.e.~~ ~~Fascia signs shall not overlap or cover features of the building, such as cornices, eaves, windows, door frames, columns and other decorative elements.~~ Fascia signs may be placed on commercial buildings in only two locations: (1) the space between the top of storefronts and the second finish floor and, (2) the tops of building fascia (a Top of Façade sign).
- ~~b.f.~~ Top of Building Façade Signs may not be located on building elevations facing residentially zoned property that adjoins or is adjacent to residential zoned property. Top of Building Signs shall not be visible from residences located within one-half mile of the building.<sup>388</sup>

**7.2. Additional Freestanding Signs<sup>389</sup>**

- a. Up to two freestanding signs per access points to a public right-of-way shall be permitted for each lot or parcel, or for contiguous lots or parcels under common ownership or control, provided that the included property contains at least 10 acres in land, the primary use of the property is institutional, commercial, or industrial, or a combination of such uses, as shown in the table below. Each allowed additional sign does not extend more than six feet above ground level, and the total surface area of each sign does not exceed 48 square feet per sign face.

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<sup>388</sup> Provisions on Top of Façade signs significantly revised Fall 2023.

<sup>389</sup> Revised and formatted as table in Spring 2023 to allow greater sign area and height for those signs located on larger parcels and on higher traffic streets.

**TABLE 4-1.5.1. PERMITTED FREESTANDING SIGNS**

<u>Size of Contiguous Lot(s) or Parcels(s)</u>	<u>Abutting Street Frontage</u>	<u>Maximum Number of Signs per Right-of-Way Access Points</u>	<u>Maximum Sign Height</u>	<u>Maximum Sign Area</u>
Less than 10 acres	<u>Local &lt; 400 ft.</u>	<u>1</u>	<u>6 ft.</u>	<u>48 sq. ft.</u>
	<u>Local ≥ 400 ft.</u>	<u>1</u>	<u>6 ft.</u>	<u>64 sq. ft.</u>
	<u>Collector &lt; 400 ft.</u>	<u>1</u>	<u>8 ft.</u>	<u>56 sq. ft.</u>
	<u>Collector ≥ 400 ft.</u>	<u>1</u>	<u>8 ft.</u>	<u>72 sq. ft.</u>
	<u>Arterial/Freeway &lt; 400 ft.</u>	<u>1</u>	<u>10 ft.</u>	<u>64 sq. ft.</u>
	<u>Arterial/Freeway ≥ 400 ft.</u>	<u>1</u>	<u>10 ft.</u>	<u>80 sq. ft.</u>
10 to 100 acres	<u>Local</u>	<u>2</u>	<u>6 ft.</u>	<u>64 sq. ft.</u>
	<u>Collector</u>	<u>2</u>	<u>8 ft.</u>	<u>72 sq. ft.</u>
	<u>Arterial/Freeway</u>	<u>2</u>	<u>10 ft.</u>	<u>80 sq. ft.</u>
<u>More than 100 acres containing primary civic or institutional use<sup>390</sup></u>	<u>Collector or Arterial/Freeway</u>	<u>2</u>	<u>25 ft.</u>	<u>100 sq. ft.</u>

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- b. Permanent freestanding signs must be set back a minimum distance of five feet from all adjacent public road rights-of-ways and five feet from side and rear property lines property lines.<sup>391</sup>
- c. All permanent freestanding signs shall be accessory to an allowed non-residential use on a lot or parcel within the zone district and no freestanding sign may be the principal use on any lot or parcel of property.<sup>392</sup>

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**8.3. Banners<sup>393</sup>**

- a. Banners may be displayed on properties with a non-residential or multi-family residential use where single family use is not the principal permitted use.
- b. Display of banners shall not exceed a cumulative total of 90 days per calendar year.
- c. Banners-Properties with a primary non-residential use shall not exceed 50 square feet in size, and shall be limited to one banner shall be allowed and shall be limited to a total of one banner sign not exceeding 50 square feet in area per business, organization, or tenant.
- d. Banners for Pproperties where the primary use is a with a multi-family structure(s) residential primary us shall not exceed one 50 square foot in size and shall be limited to one banner banner per street frontage.
- e. Banners shall be securely mounted to wall or structure on the premises, or to. Banners may be allowed on fencing for projects currently under construction, but

<sup>390</sup> Large parcel category and allowances added Fall 2023.

<sup>391</sup> Added Fall 2023.

<sup>392</sup> Added Fall 2023.

<sup>393</sup> Reorganized and revised Fall 2023. Requirement to obtain a temporary use permit was deleted.

~~freestanding banners are not permitted. Banners are never allowed to be freestanding.~~

- f. ~~Banners must be maintained in good repair at all times. These Banners may be authorized through an application for temporary use permit in accordance with this Land Development Code.~~

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**9.4. Flag Banners/Feather Flags**

Flag banners/feather flags shall be allowed at a rate of two per business, organization, or tenant, provided that each banner and feather flag does not exceed 20 square feet in area, does not exceed 10 ~~square feet~~ in height, is placed in a landscaped area, is set back at least 10 feet from each public right-of-way, and does not impede sidewalk pedestrian traffic ~~or vehicle driver sightlines~~. Flag banners/feather flags shall not be placed in any public right-of-way. These Flag banners/feather flags may be authorized through an application for temporary use permit in accordance with this Land Development Code.

**10.5. Flags or Banners on Light Poles**

Flags may be installed interior to a development, or banners may be attached to existing light poles interior to a development, provided that the flag or banner is not on or overhanging a public right-of-way and provided that the flag or banner does not exceed 15 square feet in size. These flags or banners may be authorized through an application for temporary use permit in accordance with this Land Development Code.

**11.6. Electronic Message Boards<sup>394</sup>**

For any sign type that is proposed to have or be an electronic message board, the Electronic Message Board must meet the following performance and location standards:

- a. The information displayed on the sign face of an electronic message board during any one dwell time must be a complete message, symbol, picture or other communication and shall be shown in its entirety at one time. No message, symbol, picture or other communication visible on the sign face shall require a change in words, devices, symbols, etc., or additional words, devices, or symbols, etc., to complete the message, symbol, picture or other communication during a subsequent dwell time. At no time may the sign face flash, blink, rotate, or feature animated/moving images or text. The minimum dwell time for a message, symbol, picture or other communication on a sign face is one (1) minute and no electronic message board sign face may be changed more than once every one minute. The message, symbol, picture or other communication on the sign face may include multiple colors. The message, symbol, picture or other communication display shall be static or any transition must occur instantaneously or over a period of no more than one (1) second while the sign face is being changed.~~The information displayed on the sign face must be a complete message, thought and/or advertisement and shall be shown in its entirety at one time.~~
- b. Electronic message boards must be equipped with a sensor or other device that is programed to determine the ambient illumination and automatically dim the display according to ambient light conditions.~~No message shall visible on the sign face shall require a change in words, devices, symbols, etc. or additional words, devices, or symbols, etc., to complete its message or meaning.~~

<sup>394</sup> Significantly revised in Spring 2023.

- ~~c. At no time may the sign~~ No electronic message board may exceed a brightness level of 0.3 foot-candles above ambient light. Electronic message boards shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion, except as permitted by this Subsection 8 ~~face. No portion of the sign may flash, blink, or rotate or change except as permitted by this Subsection 8.~~
- ~~d. Electronic Message Boards are not permitted for Billboards~~ The sign face may not be changed more than once every five minutes and may include multiple colors, and each change between images shall occur in less than one second. The entire display must be turned off while the sign face is being changed.
- ~~e. The area of a permitted sign face that may be an Electronic Message Board shall not exceed:~~
  - ~~i. Up to 50 percent of each permitted sign face on a Freestanding Sign; and~~
  - ~~ii. Up to 25 percent of each permitted sign face on a Wall Sign or Window Sign; up to a maximum of 48 square feet.~~
- ~~f. No portion of a Top of Façade Sign, Canopy Sign, or other permitted sign may be an Electronic Message Board.~~
- ~~g. Electronic Message Boards are allowable only for signs that are otherwise permitted in in B-3, B-4, B-5, I-1 and I-2 zoning districts, as well as in commercial or industrial areas of a Planned Unit Development, provided that the PUD does not otherwise prohibit Electronic Message Boards.~~
- ~~h. Nonconforming signs shall not be converted to Electronic Message Boards.~~
- ~~a. Lighting shall conform to chart below. For purposes of this chart, a “nit” is a measure of illumination of a light emitting diode (LED) equal to one candela per square meter:~~
  - ~~i. Candela per square meter shall mean a unit of measurement referring to the illumination of exposed LED (light emitting diode) lighting and also referred to as nits.~~
  - ~~ii. The intensity of the LED display shall not exceed the levels specified in the table below:~~

TABLE 4-1.5.32 LED DISPLAY INTENSITY		
Intensity levels (nits)		
Color	Daytime	Nighttime
Red only	3,150	1,125
Green only	6,300	2,250
Amber only	4,690	1,675
Full color	7,000	2,500

**7. Menu Board Signs**<sup>395</sup>

Structures with a drive-through facility shall be permitted one additional sign at the entrance to or for each area connected to a drive-through lane, provided that:

- ~~a. The sign face, which may be divided into multiple panels, is oriented towards the drive-through lane;~~
- ~~b. The maximum area of the sign face does not exceed 36 square feet;~~
- ~~c. The height of the sign does not exceed six feet; and~~

<sup>395</sup> New in Spring 2023. Revised for clarity and to match statutory noise levels for residential areas Fall 2023.



d. If the sign is located on a lot abutting any lot with a residential use, any speaker in or operated in conjunction with the sign is oriented to direct sound away from the residential use, and the sound emitted from that speaker does not exceed 55 dBA between 7:00 am and 7:00 pm, and does not exceed 50 dBA as measured on the nearest lot line abutting a lot with a residential use.

**8. Canopy Signs<sup>396</sup>**

Canopy structures designed to provide weather protection for patrons using an Auto Service Station or Car Wash or a Parking Lot may contain signs on any vertical face of the canopy roof structure that faces a public right-of-way, provided that the signage does not occupy more than 75 percent of the vertical height of the face and does not occupy more than 25 percent of the horizontal width of the vertical face to which it is attached.

**9. Projecting Signs<sup>397</sup>**

Projecting signs area are permitted for any property in a Mixed-Use zoning district, provided that a minimum vertical clearance of eight feet is maintained over each sidewalk or walkway and a minimum vertical clearance of 11 feet six inches is maintained above each street or public right-of-way. A projecting sign may not be installed as a Top of Façade Sign. The area of a projecting sign shall count towards the maximum allowable area of fascia signs on the building façade to which it is attached.

**10. Three-Dimensional Signs<sup>398</sup>**

Three-dimensional, free-form, sculptural, and other non-planar signs are permitted for any property in a Mixed-Use zoning district, provided that a minimum vertical clearance of eight feet is maintained over each sidewalk or walkway and a minimum vertical clearance of 11 feet six inches is maintained above each street or public right-of-way. A three-dimensional sign may not be installed as a Top of Façade Sign. The area of a freestanding three-dimensional sign shall count towards the maximum allowable area of freestanding signs on the site, and the area of a wall mounted three-dimensional sign shall count towards the maximum allowable area of fascia signs on the building façade to which it is attached.

**F.—SPECIFIC PROVISIONS – OFFICE AND INDUSTRIAL USES**

**1. Single Tenant Office Building**

An office building containing a single tenant shall be allowed a maximum of three fascia signs. The tenant shall be allowed to place more than one fascia sign on a building elevation (up to the maximum of three fascia signs), but in no event shall the total square footage of fascia signage placed on any one building elevation exceed 64 square feet. Only one Top of Building Sign per elevation is permitted. One freestanding sign per street frontage is permitted.

**2. Multi-Tenant Office Building**

An office building containing more than one tenant shall be allowed fascia signage and Top of Building signage at the same rate as permitted for the single tenant office building. Two freestanding signs per street frontage are permitted.

<sup>396</sup> New in Spring 2023.

<sup>397</sup> New in Spring 2023. Revised from Blade Sign in Fall 2023 for internal consistency.

<sup>398</sup> New in Spring 2023. Availability extended to Commercial zoning districts Fall 2023.

**G.—SPECIFIC PROVISIONS FOR HOTEL/MOTEL AND HOSPITAL USES**

**1.—Fascia Signage**

~~Hotels/motels and hospitals shall be permitted a maximum of three fascia signs. The total square footage of fascia signage per building elevation shall not exceed 120 square feet or the square footage of the allowable letter height times one-half (1/2) the length of the building elevation containing the fascia sign, whichever is less.~~

**2.—Freestanding Project Identification Sign**

~~One freestanding sign per street frontage shall be permitted provided that the sign does not exceed six feet in height, nor 48 square feet per face.~~

**H.G.—SPECIFIC PROVISIONS FOR MULTI-TENANT RETAIL USES<sup>399</sup>**

**1.—Single Tenant Retail Buildings**

~~A building containing one retail tenant shall be permitted a maximum of three fascia signs and one freestanding sign. The freestanding sign shall not exceed six feet in height or 48 square feet per face.~~

~~**Multi-Tenant Retail Buildings**~~

A building containing more than one retail tenant shall be permitted one fascia sign per entrance. Each tenant is allowed one fascia sign per storefront facing a public and/or private right-of-way. If the primary entrance to a multi-tenant retail building does not face a public right-of-way and if the rear of said building does not have an entrance but does face a public right-of-way, the rear fascia of the tenant’s lease space may contain a fascia sign. Such fascia sign square footage shall not exceed one-half (1/2) of the size of the fascia sign located above the primary entrance to the lease space.

**I.H.—SPECIFIC PROVISIONS FOR WCFs<sup>400</sup>**

Wireless communication facilities (WCF) shall be permitted only the signs allowed under Section 4-1.5.C, except as otherwise regulated by the use specific standards for WCFs in Section 3-3.5. Owners/Operators are encouraged to provide emergency maintenance response information.

**I.—Off-Premise Signs**

**1.I.—BUS STOP OR TRANSIT SHELTER<sup>401</sup>**

Bus stop or transit shelter signs shall be permitted in all zoning districts, and shall not be larger than the bench on which they are placed. At any officially recognized public bus or transit shelter, no more than one bench or transit shelter may be placed within the public right-of-way following issuance of applicable County permit. However, a maximum of two bus benches shall be permitted at any officially recognized public bus stop located along a designated arterial roadway. Bus bench and transit shelter signs shall be maintained in good condition. This paragraph does not authorize advertising on buildings or light rail stations.

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<sup>399</sup> Special allowance for single-tenant retail buildings deleted in Fall 2023 as unnecessary; revised standard allowances apply.

<sup>400</sup> Updated “CMRS Facilities” to “WCFs.”

<sup>401</sup> Reorganized in Fall 2023 due to deletion of off-premise sign category.

**2. Freestanding Signs**

Permanent freestanding signs are permitted in B-3, B-4, B-5, I-1, and I-2 zoning districts, and within a Planned Unit Development, subject to an approved sign permit, provided that these signs meet the following criteria:

- a. Except as otherwise provided in these sign regulations, one permanent freestanding sign is permitted per lot or parcel of property. Permanent freestanding signs shall not extend more than six feet above ground level and shall not exceed forty-eight square feet in sign area per face.
- b. Permanent freestanding signs must be set back a minimum distance of five feet from all adjacent public road rights-of-ways and five feet from side and rear property lines.
- c. All permanent freestanding signs shall be accessory to an allowed non-residential use on a lot or parcel within the zone district and no freestanding sign may be the principal use on any lot or parcel of property.
- d. Permanent freestanding signs proposed as electronic message boards must comply with the provisions of Section 4-1.5(f)(8).
- e. Applicants for any permanent freestanding sign permit must obtain all applicable State of Colorado or CDOT approvals and all building permits required under the Arapahoe County building Code prior to erecting the sign.

**K.J. BILLBOARD SIGNS<sup>402</sup>**

- 1. Billboard signs, because of their size, design, visual impact along public roadways and potential interference with public safety are not permitted within unincorporated Arapahoe County, Colorado.
- 2. Any Billboard sign existing prior to May 19, 2019 shall be a non-conforming use as provided in Section 6-4.6 of this Land Development Code and shall be subject to such provision of the Land Development Code.

**L.K. NONCONFORMING SIGNS**

Nonconforming sign provisions are found in Section 6-4.6.

**L. PLANNED SIGN PROGRAM**

Some flexibility and deviation from this Section 4-1.5 (Signs) can be approved through the approval of a Planned Sign Program pursuant to Section 5-4.4.

**1. Intent**

A Planned Sign Program is intended to allow some flexibility and deviation from this Section 4-1.5 (Signs) in the location, design, number, size, and materials of signs permitted for freestanding signage for residential and nonresidential uses, as part of a cohesive sign package. Applicants may include, but are not limited to Metropolitan Districts, Master Developers, Business Improvement Districts, Neighborhood Associations, and/or Homeowners Associations. Except as set forth below, it is not the intent of these provisions to alter the permitted sign area for any residential or nonresidential use or for any Billboard sign. Under this Section 4-1.5.N, an alternative sign package may be allowed as part of a comprehensive Planned Sign Program,

<sup>402</sup> Former category of Off-premise Signs standards deleted in Fall 2023, since revisions to the freestanding sign regulations now allow for on-premise freestanding signs to serve this purpose.

~~notwithstanding the fact that such signs may not conform to all the specific sign regulations found elsewhere in this Land Development Code.~~

~~2. Purpose~~

- ~~a. To allow one or more contiguous lots or parcels under single or multiple ownership that contains at least 25 acres in land to create a branding or community identity program;~~
- ~~b. To reallocate sign area allowed for freestanding signs;~~
- ~~c. To allow for deviations from sign height, size, and setback requirements in this Section 4-1.5 (Signs).~~

~~3. Criteria~~

~~In addition to any other criteria to be considered by the Public Works and Development Department and the Planning Commission related to the approval of an application for a Planned Sign Program, the following criteria shall be considered:~~

- ~~a. The application shall be made on behalf of an entire defined development area; individual businesses within a development may not apply for a Planned Sign Program.~~
- ~~b. The Planned Sign Program may include standard templates for individual business signs as part of a coordinated sign plan.~~
- ~~c. All signage shall be designed to be clean and to minimize visual clutter, with a minimal number of colors on the face of the sign;~~
- ~~d. The proposed Planned Sign Program assures that the color scheme, lettering style and materials used in signs within the sign program are consistent with and coordinated within the Planned Sign Program area;~~
- ~~e. The proposed signage shall present a cohesive and unified identity for the Planned Sign Program area;~~
- ~~f. The proposed sign program does not negatively impact the safety of motorists and pedestrians and shall be developed in a manner compatible with the surrounding environment;~~
- ~~g. The proposed sign program is compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or infrastructure;~~
- ~~h. The total signage as presented shall be architecturally integrated;~~
- ~~i. The height of individual freestanding signs within a Planned Sign Program for areas greater than 250 acres shall not exceed 55 feet for non-residential uses or 25 feet for residential uses;~~
- ~~j. The height of individual freestanding signs within a Planned Sign Program for areas between 25 and 250 acres shall not exceed 35 feet for non-residential uses or 12 feet for residential uses;~~
- ~~k. The sign copy for each sign shall not exceed 40 percent of each individual sign area shown on the plan set;~~
- ~~l. Monument style signs shall be designed with architecturally compatible bases and shall avoid a top-heavy appearance;~~
- ~~m. No pole-mounted signs are permitted;~~
- ~~n. An applicant who desires to include a sign program into a PUD shall do so either concurrent with the zoning amendment development review process or by a PUD modification development review process as provided for in this Code.~~

- ~~o.~~ Landscaping shall be included with the Planned Sign Program and shall be designed to minimize negative visual impact of the base of monument and ground signs;
  - ~~p.~~ Signs, including associated lighting, shall be designed to minimize negative visual impacts to the adjacent properties;
  - ~~q.~~ Signage may be allowed in the public right of way, on a case by case basis, subject to review and approval of the County Engineering Services Division;
  - ~~r.~~ Signage contained within the Planned Sign Program shall not include signs with changeable messaging;
  - ~~s.~~ Sign materials may be flexible, such as canvas or fabric, if approved as part of a Planned Sign Program;
  - ~~t.~~ If an alternative setback is requested, such request shall be proposed as part of the Planned Sign Program;
  - ~~u.~~ Signs approved as part of the Planned Sign Program and located adjacent to State Highways may be subject to additional requirements of the State of Colorado Department of Transportation (CDOT); and
  - ~~v.~~ The Planning Commission may impose appropriate and reasonable conditions on the approval of any Planned Sign Program, including, but not limited to conditions which alter sign configurations, reduce sign area, relocate signs, or require other design modifications based upon the application's conformance with the criteria outlined in this Section 4-1.5.N.3.
4. **Application and Submittal Requirements**
- ~~a.~~ Application and Submittal Requirements for a Planned Sign Program are found in the Development Application Manual, Section 2-10.
5. **Approval Required**
- ~~a.~~ Applicants for a Planned Sign Program shall obtain approval of a Planned Sign Program from the Board of County Commissioners prior to any signs being erected in or upon any structure or property. All signs erected or maintained within the structure or property shall conform at all times to the approved Planned Sign Program.
  - ~~b.~~ The Planning Commission shall consider applications for a Planned Sign Program based on criteria stated in this Section 4-1.5.N.1 to 4-1.5.N.7 and after review and recommendation by the Public Works and Development Department.
  - ~~c.~~ After Planning Commission review and recommendation of the Planned Sign Program, the item shall be placed on the consent agenda of the Board of County Commissioners for review and approval.
  - ~~d.~~ Any deviations from an approved Planned Sign Program shall be unlawful unless and until a revised Planned Sign Program is approved by the Planning Division Manager and/or Board of County Commissioners.
6. **Individual Sign Permits**
- Individual sign permits, along with all applicable fees, are required for signs contained within an approved Planned Sign Program. The sign permit is separate and distinct from any additional permit required by the Building Division, Planning Division or other agency within the County.

~~7. Amendment to an Existing Planned Sign Program~~

~~a. Administrative Amendment~~

~~The Planning Division Manager may administratively approve revisions to a Planned Sign Program, provided the proposed amendment does not alter the approved sign area, the height of any individual sign, or the setbacks.~~

~~b. Full Amendment~~

~~c. Modifications that fall outside of an Administrative Amendment shall follow the same provisions for approval of a Planned Sign Program. Approval of Amendments to an Existing Sign Program  
Provided that the proposed amendment complies with the applicable provisions of this Land Development Code, the proposed amendment will be approved.~~

~~M. REVOCATION OF A SIGN PERMIT~~

~~1. Any signs found not to be in conformance with this provision of this Section 4-1.5 (Signs) shall be subject to revocation of the sign permit. No refund of any fees will be made if the permit is revoked under the provisions of this Section 4-1.5.O.~~

#### 4-1.6. Operation and Maintenance Standards

##### A. TRASH CONTAINERS, DUMPSTERS, ROLL-OFFS

###### 1. Residential Use, Scheduled Trash Pick-Up

No Trash Container/Dumpster used for regularly scheduled trash pick-up from a residence shall be located within the front setback of any residential dwelling for more than a 24 hour period. All Trash Containers/Dumpsters shall be covered at all times. Residential Dumpsters used for weekly, biweekly or monthly trash removal are PROHIBITED unless in compliance with the following criteria:

- a. No more than one small (not to exceed five cubic yards) Trash Container/Dumpster may be permitted for regularly scheduled trash pick-up for each residential unit.
- b. Trash Container/Dumpster shall not be located in the public right-of-way for trash pick-up.
- c. Trash Container/Dumpster must be located behind the front building line of a residence on days not scheduled for trash pick-up and must be placed in an area, or otherwise screened, to prevent visibility from the right-of-way or from a neighboring residential property.

###### 2. Agricultural Use, Scheduled Trash Pick-Up

Agricultural properties are allowed one (not to exceed 20 yards) Trash Container/Dumpster, provided the Dumpster is on a scheduled pickup on at least a monthly basis, and is covered at all times and maintained in order to eliminate odors, blowing trash, rodent problems, or other nuisances or hazards.

###### 3. Commercial or Multi-Family Residential Use, Scheduled Trash Pick-Up

Commercial and Multi-Family Residential Trash Containers/Dumpsters must comply with applicable Development Plan (PDP, FDP, ASP or other approved plan) and setback criteria and screening requirements and other Design Principles of this Chapter specific to Trash Containers or Dumpsters and Trash Enclosures. Trash Containers/Dumpsters must be covered at all times to prevent odors, blowing of trash, rodent problems, or other nuisances or hazards.

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**4. Associated with a Building Permit or for Move- Out.**

Trash Containers/Dumpsters/Roll-offs associated with a building permit for new construction or for demolition and/or remodel of existing construction or temporarily placed for collecting trash and debris during vacation of a building or property (move-out) shall meet the following criteria:

- a. Trash Containers/Dumpsters/Roll-offs shall not be located in the public right of way;
- b. Trash Containers/Dumpsters/Roll-offs shall be located in areas of least visibility to the extent feasible given constraints of property access and limitations due to location of existing buildings on site;
- c. Trash Containers/Dumpsters must be kept covered to prevent odors, blowing of trash, rodents, or other nuisances or hazards;
- d. Roll-offs must be maintained to prevent scattered debris and trash or collecting of overflow materials on the ground, rodent problems, or other nuisances or hazards; and
- e. Roll-offs or other temporary Trash Containers/Dumpsters must be removed from the site no later than 10 days after construction activity has ceased or kept on site for no more than seven consecutive days for the purpose of moving.

**B. TRASH, JUNK, AND INOPERABLE VEHICLES**

No land shall be used as an outdoor storage area for the purpose of collecting, dismantling, storing, or selling of junk, trash, rubbish, refuse of any kind, remnants of wood, metal, or plastic, discarded materials, inoperative vehicles or dismantled machinery, whether or not the same could be put to any reasonable use, unless allowed in the underlying zone district or approved in a PUD which specifically authorizes such use.

## 4-2 GENERAL DEVELOPMENT DESIGN PRINCIPLES

### 4-2.1. Development Design Standards and Guidelines Established

**A. INTENT**

These Design Principles are set forth to:

1. Promote high-quality design of development.
2. Encourage site design that presents an image of high quality and value.
3. Set minimum quality standards for site development, organization, relationship to adjacent properties and building architecture that work in conjunction with zone-specific standards elsewhere stated in this code.
4. Develop sites in a manner that is sensitive to the existing and adjacent topography while maintaining panoramic views.
5. Allow for the integration of appropriate commercial development with residential development in the Urban Growth Boundary of unincorporated Arapahoe County (as defined and depicted in the Arapahoe County Comprehensive Plan).
6. To design a group of integrated neighborhoods with appropriate residential, commercial and employment land uses and public facilities. The neighborhood, as a planning unit, is intended as an area principally for residential use. Space for religious, recreational, educational, and shopping facilities should be provided and designed as an integral part

4-2 General Development Design Principles

of each neighborhood at a scale commensurate with the size and needs of the neighborhood.

**B. APPLICABILITY**

**1. Required for All Development**

These Design Principles are incorporated into the Arapahoe County Land Development Code and are divided into two categories, Standards and Guidelines. All development applications must comply with the Standards and are encouraged to incorporate the Guidelines into the development whenever possible.

**2. Applications / Processes Affected**

Applicable development applications are: Conventional Rezoning, General Development Plan, Specific Development Plan, Administrative Site Plan, Location and Extent, Use by Special Review and Special Exception Use.

**C. RELATIONSHIP BETWEEN STANDARDS AND GUIDELINES**

**1. Standards**

The Standards are intended to promote a higher quality of design for all applications by providing requirements for site planning and architecture that allow for flexibility in individual building design while promoting a cohesive image of quality.

- a. These Standards are in addition to the zone-specific standards in this Land Development Code. If only the minimum zone-specific standards for each zone district are followed, as expressed by the various resolutions and codes regulating land development, a standardization of development may occur.
- b. These Design Standards are intended to work in conjunction with the specific requirements, design guidelines, and zone-specific standards to prevent establishment of a monotonous urban setting.
- c. These Design Standards incorporate the idea that the County strives to be a diverse community with a refreshing mix of architectural styles, materials, and forms with building materials that present an image of high quality and permanence. Fostering and maintaining a community with a rich blending of designs that complement each other and create economic value is more important to the County than promoting any one particular design style.

**2. Guidelines**

In addition to the Standards that are set in place to complement the requirements outlined in each zone district, the County has adopted Guidelines. The Guidelines serve as flexible guidance for the design of elements throughout a development and promote quality in materials and form in all aspects of new development. In particular, these Guidelines promote better design compatibility between different uses, especially where incompatible uses are located adjacent to one another. In addition, these Guidelines promote a more diverse mix of architectural styles, materials, and forms.

**D. RELATIONSHIP TO THE COMPREHENSIVE PLAN**

These Standards and Guidelines are consistent with the guidance and intent of the Arapahoe County Comprehensive Plan, which states that Arapahoe County will project its local character and convey an image of high-quality design in new development.

Furthermore, this section is, in part, fulfillment of a goal of the Comprehensive Plan which states that the County will consider developing and adopting guidelines to enhance the



quality of the urban environment. If only the minimum zone-specific standards are followed, as expressed by the various resolutions and codes regulating land development, a standardization of development may occur and may produce a monotonous urban setting. Subdivision design shall be of a quality to carry out the purpose and spirit of the policies and special reports expressed in the Comprehensive Plan (and amendments thereto) and in the Land Development Code.

## 4-2.2. Development Design Guidelines

### A. NON-RESIDENTIAL

#### 1. Documentation

Adherence to these guidelines should be demonstrated and documented.

#### 2. Design Guidelines – Commercial Development

Commercial developments should be cohesive, planned lots and tracts, with all elements sharing the same or compatible architectural and landscaping themes within a development. Infill developments are encouraged to consider the surrounding area for their design concept. Both pads and anchor stores should incorporate thematic materials, roof types, and colors. Thematic concepts, floor/area ratios and uses are reviewed at time of the appropriate development application, as established in the Arapahoe County Land Development Code. Strip commercial is discouraged. These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code.

##### a. Design Elements

Design elements, including but not limited to the following, are encouraged to be incorporated into the design of commercial developments:

- i. On-site loading docks and service areas are encouraged to be oriented towards service roads, and shared service drives should be used where possible. They should be located to minimize visibility from public streets or adjacent residential uses. Service and loading areas that are visible from residences or public streets are encouraged to be adequately and appropriately screened by fences, walls, landscaping, berms or any combination thereof.
- ii. Loading docks and service areas can be combined between multiple sites, when possible.
- iii. The design of all buildings should employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, changes in parapet heights, and similar architectural devices to avoid monolithic shapes and surfaces. To emphasize building entries, awnings, banners, lighting and towers are recommended.
- iv. Each primary building taller than 30 feet in height should be designed so that the massing or facade articulation of the building is appropriately articulated to provide human scale.
- v. All stairwells, corridors and circulation components of the building should be completely enclosed within the building envelope;
- vi. Intense, bright, or fluorescent colors should not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors. Highly reflective or glare-producing glass is not recommended.

- vii. Soft outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is required. Overflow lighting should be minimized, and all lighting should be shielded, as regulated by the lighting section of the Land Development Code.
- viii. All building facades facing and visible from freeways or arterials should be finished with the same mix of materials and colors, and the same degree of fenestration and articulation used on the major entry walls facing the nearest adjacent street.
- ix. When sloping roofs are used, the following design elements are encouraged: projecting gables, hips, horizontal/vertical breaks, or other similar techniques.
- x. Pitched roofs should be surfaced with durable materials that are complementary to the building architecture.
- xi. Landscaping, pedestrian areas and design elements within the commercial areas should be maintained by the commercial association or the private owner unless agreed to be maintained by another entity.
- xii. Where a building design allows, parking can be located behind the structures, so that the building is the focal point along the public street.
- xiii. Tasteful consideration of corporate identities, in terms of logos and signage, should be applied.

**b. Retail Pad Developments**

Design elements which are encouraged to be incorporated into retail pad developments include:

- i. A commercial pad is considered to be a building pad located at the perimeter of a commercial site, adjacent to a street. Commercial pad sites should not obstruct the view of the anchor stores.
- ii. Sufficient stacking should be provided for each drive through lane to prevent spill-over into major circulation aisles. Ordering systems should not negatively impact adjacent residential uses.
- iii. Temporary and seasonal outdoor uses, such as farmer's markets, outdoor nursery displays, and sidewalk sales are subject to the regulations of the Arapahoe County Land Development Code.
- iv. Each building facade is encouraged to have a repeating theme, such as: color or color change, texture changes, material changes, and/or offsets, reveals, or projecting ribs.
- v. Pedestrian oriented design features are promoted, for example: ground floor facades that face public streets should have arcades, display windows, entry areas, awnings, or other such features.
- vi. Soft outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is encouraged. Overflow lighting should be minimized, and all lighting should be shielded for glare.

**3. Design Guidelines – Industrial Development**

Industrial parcels should be cohesive, planned lots and tracts, with all elements sharing the same or compatible architectural and landscaping themes within a development. Infill developments are encouraged to consider the surrounding area for their design concept. Thematic concepts, floor/area ratios and uses are reviewed at time of the appropriate development application, as established in the Arapahoe County Land

Development Code. These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code.

**a. Creativity**

Creativity of design is encouraged.

**b. Design Elements**

Design elements which are encouraged to be incorporated into industrial developments include:

- i. Industrial activities should be oriented to minimize visual and audible impacts to residential uses, and to freeways and arterial roadways. A combination of appropriate screening and landscaping would enhance the compatibility of industrial uses to adjacent land uses.
- ii. Roofs are to be a prominent and complementary element of a building's architecture. Buildings with flat roofs should be designed to create visual interest by using variations in parapet height. Pitched roofs can be integrated into a building's architecture and used to accent its façade by identifying entrances, providing pedestrian arcades, etc. Large monolithic expanses of pitched roofs should be avoided. Materials such as seamed architectural metals, concrete, clay, and/or slate tiles should be used on all pitched roof surfaces. Internal roof drains are recommended.
- iii. Position entries to buildings so they are easily identifiable from adjoining public right-of-way and primary access drives. The entrance to the building should be clearly defined. Provide employee-gathering places in areas that are of a sufficient size and scale, and buffered from traffic and circulation areas. Employee gathering areas shall not be located in proximity to primary public entrances.
- iv. Loading docks and service drives/areas should be combined between multiple sites, wherever possible. On-site loading docks and service areas should be oriented towards service roads. They should be located to minimize visibility from public streets or adjacent residential uses. Service and loading areas that are visible from residences or public streets are encouraged to be appropriately screened by fences, walls, landscaping, berms or any combination thereof.
- v. Refuse areas and outside storage areas should not encroach into parking setbacks or landscape buffers.
- vi. Fences and walls should be constructed of materials consistent with those used on primary structures.
- vii. Temporary and seasonal outdoor uses are subject to the requirements of the Arapahoe County Land Development Code.
- viii. A mechanism for maintenance of any common areas, landscaping areas, pedestrian areas and design elements within the industrial development shall be identified at the time of the review of the development application.
- ix. Outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is required. Overflow lighting should be minimized, and all lighting should be shielded for glare.

#### 4. Architectural Considerations

##### a. Scale

- i. Scale relationships should be carefully considered, and appropriate transitions provided where a change of scale is proposed or required. ‘Stairstepping’ building height, breaking up the mass of the building and shifting building placement can help mitigate the impact of differing building scales and intensities.
- ii. A proposed commercial or industrial building should also respect the scale of any adjacent residential buildings, and provide an orderly transition to the different scale of development.
- iii. The actual height and bulk of a two-story office building is usually greater than that of a two-story residence. These buildings will not normally be compatible in close proximity unless they are separated by distance, articulated elevations, or a landscape buffer/screen.

##### b. Rhythm

- i. Building rhythm relates to the horizontal and vertical patterns expressed by architectural features such as cornices, columns, windows, doors, or variations in massing.
- ii. New developments should respect rhythms established by adjacent buildings. Designers can employ several related rhythms to avoid repetition of one or very few elements throughout the building.
- iii. Examples of building rhythm include: horizontal and vertical banding with different colors or materials, groupings of windows, repetition of storefront details, or consistent sign design and placement.

##### c. Building Facade

- i. External details in building facades, entries, stairways, retaining walls and other features provide visual interests, enrichment and texture to buildings. Four-sided/360-degree architectural treatment is encouraged. New developments are encouraged to incorporate the use of strong vertical and/or horizontal reveals, off-sets, and three dimensional detail between surface planes to create shadow lines and break up flat surface areas. If large blank surfaces are proposed, they should be for some compelling design purpose. The design should incorporate mitigating features to enrich the appearance of the project, and provide a sense of human scale at the ground level that is inviting to the public.
- ii. Rear building elevations, especially those facing adjoining residential areas, should be aesthetically enhanced with materials to match the front of the building. Where the rear of a building is viewed from a public right-of-way or an entryway into another building, additional details on the rear of a structure are encouraged. Exterior side yard setback areas (i.e., alongside streets) and building elevations along these setbacks should be treated with the same quality of design and materials as the front setback area and front building elevations.

##### d. Colors and Materials

Materials and colors in the vicinity of the site should be considered when selecting the materials and colors for the proposed development. Materials and colors can unify an area through the use of a clearly defined palette. Colors and materials can

be selected for compatibility with the site, as well as compatibility with the neighboring area.

**e. Windows and Door Placement**

Doors and windows can be located to maximize the possibility of occupant surveillance of common areas. Grids of repeated windows and doors should be architecturally improved so that the patterns created by window and door placements add variety and interest to the design of the building. One such example could be pop out/revealed windows.

**f. Screening**

All rooftop and grade-level mechanical equipment shall be screened from grade-level view. Soft water tanks, gas meters, generators, heating and air conditioning units and electrical meters shall also be screened from public view, wherever possible. All methods of screening are encouraged to be architecturally compatible with the primary structure. The screening should be part of the articulation of the building and not appear to be an afterthought.

**5. Building Orientation and Siting**

**a. Placement and Relationships**

Placement of the building in relation to the surrounding elements is just as important as the design of the building. The proposed building orientation should respect the orientation of surrounding buildings, existing pedestrian paths/sidewalks, and the orientation of surrounding streets. Rows of buildings, which create a monotonous, “cookie-cutter” design, are discouraged. Non-residential buildings should be oriented to allow for the use of common driveways, especially along arterial streets, where a reduction in the number of curb openings would enhance the streetscape and promote traffic safety.

**b. Orientation and Accessibility**

Buildings should be oriented so that the entrances are clearly identifiable and directly accessible from a sidewalk. Buildings should be accessible for pedestrians and public transit users, not just for customers and employees driving private motorized vehicles. On commercial sites, especially large retail centers, a portion of the total building area should be located near the street perimeter. Such siting reinforces the streetscape and helps to provide additional screening for large parking areas. Where parking structures are required, architecturally compatible materials are encouraged.

**6. Relationship to Adjacent Uses / Transition / Connectivity**

**a. Transition of Land Uses and Intensity**

In non-residential developments, larger buildings should be encouraged to locate near commercial centers, with a transition to smaller buildings closer to lower density neighborhoods.

**b. Entryway Features**

- i. We recommend that the entryway features be located at one of a development's primary street entries.
- ii. The entry feature should be constructed to be consistent with or complementary to the predominant building materials used in the overall development.

- iii. Entryway features may be located in required landscaped areas, and may be included as part of the gross land acreage used in maximum development density/intensity, but should not be located within sight lines or sight triangles of streets and street intersections.
- c. Connect to Existing Neighborhoods**
- i. Promote the connection of new developments to adjacent uses and neighborhoods, via biking, walking or driving, to better integrate new projects into the existing community and to allow residents to circulate throughout the neighborhoods.
  - ii. The edges of a neighborhood should be formed by features shared with adjacent neighborhoods such as major streets, changes in street pattern, greenways or natural features such as streams and major drainage or riparian corridors.
  - iii. New streets, bikeways, paths and trails should connect to existing adjacent neighborhoods.
- d. Pedestrian and Bike Connections**
- i. Pedestrian and bike connections should be made to residential neighborhoods, retail centers and open space systems. Pedestrian, bike and visual connections should be made wherever auto connections are infeasible due to physical constraints or other considerations.
  - ii. A Merchant's Association and/or Metropolitan District or a private owner should maintain any areas not subject to maintenance by Arapahoe County or a recreation district. The ownership/maintenance of such areas is specified and/or dedicated by recorded agreement and/ or on the Final Plats or Final Development Plan (FDP) if applicable.
  - iii. Open areas are encouraged to be organized so as to create an integrated system that connects with the following types of lands located within or adjacent to the development dedicated park lands, dedicated school sites, other dedicated open spaces, portions of the regional trail and open space system, and activity centers.
  - iv. Whenever possible, retention and detention ponds created to meet storm drainage requirements should be located, designed, and managed to serve as visual amenities, entryway features, or opportunities for passive recreation. However, such areas do not contribute to minimum open space requirements.
- 7. Circulation and Parking**
- Vehicle circulation systems should consider the needs of pedestrians and bicyclists, and avoid the creation of large, isolated tracts without routes for through-traffic or pedestrian connections.
- a. Pedestrian Circulation**
- i. Pedestrian connectivity within commercial sites, between commercial sites, and from residential areas to commercial sites should be a high priority, with consideration given to all off-site generators of pedestrian movement, such as open spaces, schools, retail centers, bus stops, etc. Bikeways and pedestrian walkways should be separated and buffered from external and internal vehicle circulation within parking lots.

- ii. To facilitate convenient movement, and to minimize conflicts with vehicles, walkways should lead pedestrians from parking areas to building entrances. In some cases, a walkway from a perimeter sidewalk to a building entrance may be considered as an alternative.
  - iii. Surface accent strips of brick or textured paving, to define pedestrian walkways, should be utilized. Other designs are acceptable, provided that they meet the intent of defining pedestrian walkways. Pedestrians should feel comfortable that they are in a clearly defined pathway to the building.
  - iv. Pedestrian elements within a non-residential project should incorporate the thematic materials, colors, and design of the development. In addition to adequate sidewalk connections, the following elements would enhance the pedestrian orientation of the parcels:
    - (a) Pedestrian scale details should be incorporated to promote a sense of human scale. Special accent materials and design details can be incorporated into first floor facades and paving areas abutting pedestrian walkways.
    - (b) Site design features should include, but are not limited to: changes in paving patterns and materials at pedestrian building entrances and other significant pedestrian locations, special decorative wall patterns, textures, accent materials, or graphics, trim banks and reveals, special architectural features marking pedestrian entries, and display windows for commercial uses.
    - (c) Site furnishings such as benches, trash receptacles, kiosks, newspaper stands, etc., should be used and located, where appropriate, for pedestrian convenience. Site furnishings are encouraged to match the architectural theme of the development. However, site furnishings should not be located in areas that will impede pedestrian traffic.
  - v. Provisions for access for disabled persons must be incorporated into the overall pedestrian circulation system. The overall design shall be in compliance with the most current disability access laws, in particular the Americans with Disabilities Act (A.D.A).
- b. Bicycle and Vehicle Parking**
- i. We recommend that bicycle and vehicle parking be provided at appropriate locations within non-residential developments. Bicycle racks should be evenly distributed, and separated from vehicular drives and parking lots by a three foot separation distance, a curb, or other physical barrier.
  - ii. The quantity of required parking spaces shall be in accordance with the parking design standards contained in the Arapahoe County Land Development Code.
  - iii. Safe vehicular circulation routes around the site should be provided, using landscaped islands, street buffers, and buildings to define drive aisles.
  - iv. Non-residential parking areas should be buffered from adjacent residential properties. Suggested methods of buffering include building design, landscaping, and appropriate fencing.
  - v. Parking areas should be located to minimize negative visual impacts, particularly as viewed from adjacent roadways and from residential use areas. These visual impacts may be mitigated through berming, screening, landscaping, and other methods acceptable to the County.

- vi. Surface parking design should utilize shared access drives with adjacent, similarly zoned properties to reduce interference with pedestrians.
- vii. The number of curb cuts should be minimized and pedestrian access enhanced.
- viii. Textures, patterns, and colors are encouraged in the design of paved parking areas or entries (not within the ROW). Large monolithic areas of single-color untextured paving are discouraged. Colored and textured paving of project entry driveways, parking court entries, and internal driveways are encouraged, so as to soften the streetscape.
- ix. Large non-residential parking lots are encouraged to be functionally divided by internal circulation corridors, pathways, or aisles into several smaller lots to prevent random or high speed movements.
- x. End of row parking islands should be used to delineate primary traffic aisles. Concrete or landscaped islands, in lieu of painted areas, should be provided in order to prevent vehicles from parking in such areas and thereby obstructing sight distances.
- xi. Parking and circulation aisles are recommended to be perpendicular to the entry faces of buildings to minimize conflicting movements by pedestrians and vehicles. Parking along the curb line adjacent to building fronts should be discouraged to provide for adequate pedestrian visibility.
- xii. The application of speed bumps and humps, to reduce internal travel speeds, is discouraged for new construction. Structures and circulation aisles should be configured to reduce speeds.
- xiii. Site design should integrate parking structures as part of the overall site design.
- xiv. Parking structure design should include appropriate aesthetic treatments and be compatible with the architecture of adjacent buildings. However, because of their size, parking structures often become a major visual element of the site. Parking structures should therefore be integrated with the architectural style, form and materials of the primary site structures. A convenient, clear, safe, and efficient internal circulation system within the parking structure, for both vehicular and pedestrian traffic, is encouraged. Parking structures should provide clarity, safety and be convenient for the user.

**8. Noise**

All reasonable efforts should be made to minimize the level of site-generated noise that crosses into adjacent properties. For example, remote outdoor ordering systems, used in conjunction with fast food restaurants and similar retail uses offering a drive through service, should be designed to direct the sound away from residential properties. Other noise-producing businesses, such as automotive repair facilities, are encouraged to be designed so that the entrance to the service bays and other areas where the noise is created are oriented away from residential properties. Auto dealerships are encouraged to use a paging system, rather than an external sound system.

**9. Protection of Natural Features, Resources and Sensitive Areas**

- a. The protection of natural features, resources and sensitive areas can be accomplished by including such features in common landscaped areas or dedicated open spaces. Construction in these areas should utilize techniques that are sensitive to the protection of these features.
- b. If possible, the following features should be connected or integrated with similar amenities on adjacent lands:



- i. Water features;
- ii. Parks and public and private open space areas on or adjacent to the site;
- iii. Historic or archeological sites, or areas that have been recognized by the Board of County Commissioners as important;
- iv. Significant views of the front range or of open space areas as viewed from dedicated public parks and open spaces, from freeways, or from arterial streets, where possible;
- v. Riparian wildlife habitats, as identified by the Division of Wildlife;
- vi. Public protection from adjacent natural or geologic hazard areas or hazardous soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rockfalls, or expansive soils is recommended, with such features having an integrated protection system; and
- vii. Other natural features such as bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings, or wetlands.

#### 10. Landscaping, Water and Plant Materials

##### a. Promote Water Conservation

In accordance with water conservation practices, irrigation shall be provided at strategic levels and locations, so that areas requiring high levels of irrigation, such as around shelters, playgrounds, entrances and playing fields are provided only where necessary. Natural areas shall be planted with grasses that adapt to soil conservation district recommendations.

##### b. Use of Xeric Principles and Plant Materials

The use of xeric plant materials is strongly encouraged. Xeric principles include:

- i. Minimize cool season turf areas;
- ii. Reduce turf areas with mulched planting beds;
- iii. Amend soils with organic matter;
- iv. Zone plants by water, soil, and sun needs;
- v. Zone irrigation by plant water needs;
- vi. Maintain landscape to reduce water usage by weeds and promote healthy plant growth.
- vii. All landscape materials should have a habit of growth that is normal for the species and should be of sound health, vigorous growth, and free of insect pests, diseases, and injuries.

#### B. MIXED USES

##### 1. Encouraged – Variety of Uses and Housing Types

- a. Whenever appropriate, Arapahoe County encourages a mixture of land uses in new developments. The Comprehensive Plan states that “Arapahoe County will amend zoning regulations, as applicable, to allow a greater mix of residential and compatible non-residential uses within the Urban Service Area [Urban Growth Boundary].”
- b. The County encourages mixed-use areas with a variety of uses, residential housing types and densities and services and employment areas serving residential areas. Organization of uses should allow appropriate integration to protect sensitive, lower-intensity residential neighborhoods and allow easy cross-neighborhood access.

**i. VARIETY OF USES**

A variety of grouped, non-residential land uses are appropriate to the mixed-use area. These include:

- (a) Transit station/park and ride;
- (b) Neighborhood-serving retail uses;
- (c) Small businesses with low traffic generation, such as service businesses;
- (d) Small-scale offices and clinics;
- (e) Civic Uses;
- (f) Schools and day-care centers;
- (g) Places of worship and assembly;
- (h) Parks and other recreation areas.

**ii. VARIETY OF HOUSING TYPES**

Housing types and other uses can, with appropriate design, easily share streets and blocks and provide opportunity for moderate-cost housing to be located adjacent to higher-cost housing, as well as in proximity to non-residential uses. A variety of housing types can fit into this higher-activity area including:

- (a) Residential units above retail shops or work places;
  - (b) Multi-family housing;
  - (c) Townhomes or duplexes; and
  - (d) Small lot single family homes with accessory dwelling units.
- iii. The quantity and quality of uses are determined during specific planning processes and should be appropriate for the respective mixture of land uses. At that time, buffering and proximity of differing land uses are to be established.
- iv. These guidelines are intended to work in conjunction with the design standards and district- specific standards set elsewhere in this Code.

**2. Location, Connections and Transitions**

The County encourages a successful mixed-use center, with a variety of uses serving the local area and connected by a logical system of streets, buildings, and open spaces. These land uses should generally transition in intensity and density from the commercial center to surrounding lower-intensity and lower- density residential neighborhoods. Elements include:

**a. Variety of Uses**

Mixed-use commercial areas should contain a combination of uses including residential, retail, offices, services, civic uses, parks and open space. Uses located on the ground floor that stimulate pedestrian activity are an example. Auto related uses (auto repair and supply, etc.) are allowed only as secondary uses and located at non-prominent locations. Large retail uses should incorporate the small scale pedestrian pattern of the mixed use area.

**b. Development Pattern**

A mixed-use commercial area should maintain a functionally linked pattern of street layout, site design, building scale and character. Street and block patterns, pedestrian and bicycle connections should extend through the mixed use commercial center.

**c. Location of Commercial Mixed Use Areas**

Commercial mixed-use areas should be located to maximize pedestrian access by the greatest number of residents as well as the surrounding community.

**d. Transition Areas**

Mixed-use commercial centers are a focus for the surrounding neighborhood as a place to live, shop and work. These areas include attached and detached housing of a higher density around a neighborhood commercial center or a commercial area, with secondary uses near primary retail establishments. The surrounding neighborhoods contain moderate densities which form a transition and link between lower-density residential neighborhoods and commercial or light industrial/employment areas.

**3. Structure – Nodal or Linear**

The structure of mixed use areas will vary; the following two illustrations represent two possibilities:

- a. Nodal Centers – generally focused on a civic space such as a square, plaza, village green or commons.
- b. Linear Mixed-Use Areas – generally feature “main streets” mixed use retail streets sometimes ending in a civic space, such as a park or plaza.

**4. Horizontally or Vertically Mixed**

**a. Horizontally Mixed Land Uses**

Horizontally-mixed land uses unified by a pattern of streets and blocks with buildings fronting streets are desirable. This is one way to integrate commercial uses and housing in a mixed use area. Compatible uses may share a street. Higher-intensity uses, with appropriate design, may share a block and an alley while fronting on separate streets.

**b. Vertically Mixed Land Uses**

Vertically-mixed uses are desirable, particularly on primary pedestrian streets. Streets lined with shops, with offices and residences above, provide added activity and informal surveillance of the street-life.

**C. RESIDENTIAL**

**1. Cohesive, Well-Planned Development**

**a. Documentation**

These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code. Adherence to these guidelines should be demonstrated and documented.

**b. Diversity and Changing Needs**

Arapahoe County promotes diverse types of housing, lot sizes and densities that are appropriate to meet the changing needs of the citizens of the County and assure options for residents of all income levels, including affordable housing. The County’s goal is to promote different sizes of lots as well as single/multi-family housing, and manufactured housing in Growth Areas.

**c. Open Spaces and Connectivity:**

**i. GOALS OF OPEN SPACES IN RESIDENTIAL AREAS INCLUDE:**

- (a) Land dedication for parks, open space, buffers, trails, drainage, and other public uses are required to comply with the requirements of the Arapahoe County Land Development Code, as a part of the subdivision process.
  - (b) Preserve significant views and create view corridors and open space areas within the development;
  - (c) Provide trail corridors within the development and connecting trails between residential and commercial uses;
  - (d) Provide focal points, such as artwork and/or landscaping features, at key entrances to neighborhoods;
  - (e) Preserve and allow for passive recreational uses along drainage channels;
  - (f) Create opportunities for appropriate active recreation;
  - (g) Provide buffers and open space between buildings and/or developments; and
  - (h) Help provide sense of place within a development.
- ii. Open space areas are encouraged to be organized so as to create an integrated system that connects with the following types of lands located within or adjacent to the development, dedicated park lands, dedicated school sites, other dedicated open spaces, portions of the regional trail and open space system, and activity centers.
  - iii. Each required residential open area should be adjacent to or visible from at least one dedicated public street or public site, and be accessible to all residents of the development. The majority of open areas are discouraged from being located in isolated corners of the development, in peripheral strips along the borders of the development, or in unconnected patterns.
  - iv. The Homeowners' Association and/or Metropolitan District should maintain any areas not subject to maintenance by Arapahoe County, a recreation district, or other entity. The ownership/maintenance of such areas is specified and/or dedicated on the Final Plat(s).
  - v. Retention ponds and detention ponds created to meet storm drainage requirements should be located, designed, and managed to serve as visual amenities, entryway features, or opportunities for passive recreation, whenever possible. However, such areas do not contribute to minimum open space requirements.

**d. Entryway Design**

- i. We recommend that the entryway features be located at one of a development's primary street entries. The feature should be constructed to be consistent with or complimentary to the predominant building materials used in the overall development.
- ii. Entryway feature areas may be located in required landscaped areas, and may be included as part of the gross land acreage used in maximum development density/intensity calculations. Entry features may not be located within sight triangles and sight lines.

**e. Building Height and Setbacks**

- i. Building heights and setbacks are established at the time of development application review.

- ii. Building heights should avoid the perception that individual buildings are out of scale with the size of their lots or with neighboring buildings, and should avoid unnecessary snow shadowing of neighboring buildings and public rights-of-way.

**f. Transition**

Developments are encouraged to display transitional elements when less-compatible uses are adjacent to one another.

**2. Community Design Guidelines**

**a. Intent**

Community design elements play an important role in a well-planned community. These design elements should be viewed as a whole package, where each element has a particular function. The developer needs to assess all the functions that should be accommodated within the public space areas of the community, and then provide the elements to allow those functions to occur in a safe and effective manner. By pre-planning the community design elements, a theme can be chosen and high quality elements and materials selected. Staying within a theme helps create an identifiable and cohesive community. These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code.

**b. Site Amenities**

Site amenities such as gazebos, shelters, arbors, kiosks, benches, tables, etc. are encouraged, especially within parks, open spaces, and along walkways. These amenities should be architecturally consistent with the style and character of the community's architecture.

**c. Signage**

All signage must, at a minimum, conform to the Arapahoe County Land Development Code. Community identity features and entry features should be simple, and compatible with the overall design of the community. A signage theme is encouraged.

**d. Fencing**

- i. Different types of fencing should be provided to serve different functions. Types and functions of fences are often differentiated by the level of opacity and materials.
- ii. Residential wooden perimeter fences should be treated with a weather-resistant finish. In addition, all perimeter fences that face a public or private street should include at least one column for every 100 lineal feet, and one column at every fence corner and dead end.
- iii. We recommend that the columns be faced with brick, real or artificial stone, decorative iron, stucco or integrally colored concrete masonry units. Other appropriate improvements to a streetscape may be considered, in lieu of the column guideline such as wider and varying landscape tracts. Perimeter fencing should have staggers where possible to eliminate monotony of long, linear fencing. This guideline does not apply to fences in side and rear yards between single-family residences.
- iv. A common fence color, style, and material for each type of fence allowed will be reviewed at time of development plan application review.

**e. Lighting**

Lighting serves a variety of needs within a development. In addition to residential and commercial street lighting, special consideration needs to be given to pedestrian area lighting, signage lighting, monument lighting, commercial roadway lighting, and any other lighting necessary for the safety of the residents.

**f. Mail Boxes**

Where group mail boxes are required, such boxes should be located conveniently and safely within a community. Common mail box areas should be illuminated, with lighting compatible with the development's fixtures as well as the lighting requirements of this Land Development Code. The design must conform to A.D.A. and post office requirements.

**g. Street Furnishings**

The following street furnishings can be used to provide functional, coordinated amenities throughout a development, which would complement the existing architectural and landscaping assets: seating, trash containers, planters, drinking fountains, directories, bike racks, retaining walls, and fences.

**h. Entryway Designs**

Entryway features should be located at one of a development's primary street entries. A development's thematic style should be incorporated into the entryway design feature.

**3. Single-Family Detached Residential Development**

The intent of these Guidelines is to provide a distinctive recognizable style of high-quality architectural character in residential developments that avoids featureless design and repetition of facades. Garage structures should not dominate the building design. The entrance to the home should be the primary element along the street frontage. Design elements which are encouraged to be incorporated into single-family detached dwelling units include:

**a. General Site Planning**

- i. A non-repetitive front elevation design would prevent a monotonous streetscape from occurring. Varied architectural styles shall be encouraged, which incorporate a mixture of different footprints, materials, design, and color palettes. Architectural banding, through the use of a change in materials, design and/or color, can also relieve a monotonous design theme.
- ii. A minimum four feet variation in the front setback of residences, within a residential development, will further prevent a monotonous 'cookie cutter' appearance.
- iii. Where provided, porch and deck columns and roofs should be integrated into the overall design of the house to which they are attached, and are recommended to be constructed of materials consistent with those found elsewhere on the house. Front or side porches add to the architectural ambiance of a neighborhood. Front entry gates and sidewalks leading to a side entry may be considered.
- iv. Porches raised above the sidewalk level are encouraged.
- v. Side-use easements are desirable to maximize useable yard space.
- vi. Recessed front doors add an aesthetically pleasing design element to residential structures.

vii. Creativity of building and subdivision design is strongly encouraged.

**b. Garages/Parking**

- i. Minimize garage visibility from the street.
- ii. A minimum of a one-car garage is recommended for all single-family detached. The County strongly encourages alternative placement of the garage structures to reduce the dominance of front loaded designs. The objective is to have the house as the primary element along the street frontage, with emphasis on the entrance to the home. The garage placements may include but are not limited to: front loaded garage structures both attached and detached, rear loaded garage structures both attached and detached.
- iii. Garages should not obstruct the front entrance to the residence. Garages may be attached, detached, front-loaded, side-loaded, to the side of the residence, or to the rear (alley-loaded).
- iv. Detached garages should be faced with the same mix and percentage of materials as the primary structures.

**c. Architectural Features**

- i. Roofs with eaves/overhangs, decorative brackets, beams, or exposed rafter ends are encouraged.
- ii. Decorative shutters, window dormers, bay windows, oversized decorative window heads or window sills that match the building are encouraged to be provided.
- iii. Walk-out basements.
- iv. Clay or concrete tile roofs or high-relief (shake appearance – shake roofs do not meet building codes).
- v. Front doors with transom windows, side lights, or a double door.
- vi. Durable patterned paving.
- vii. The architectural character of the residence should be incorporated into any accessory structure's design.

**d. Lighting Design**

Soft outdoor pedestrian-oriented lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is encouraged. Lighting should be designed to ensure the safety of the residents, while minimizing overflow onto the surrounding properties. Lighting should be shielded for glare.

**e. Private Yards and Fencing**

- i. The builder and/or developer should provide front yard landscaping for all homes in small lot developments in accordance with the Arapahoe County Landscaping Regulations.
- ii. Front yard fencing, where it occurs, should be low (approximately three feet), open fencing (not chain-link) compatible with the home. A full stucco or brick wall may be used if part of the architectural theme.

**f. Accessory Dwelling Units**

Reserved

**g. Small Lot Guidelines**

These guidelines apply to those properties under 5,000 square feet as regulated by the Small Lot Criteria in the Land Development Code. These Guidelines are in addition to other design guidelines for single family development:

- i. Wherever possible use open yards or split rail fencing to minimize side and rear yard privacy fencing;
- ii. Encourage side use easements to maximize useable yard area;
- iii. A minimum of 400 square foot of useable back yard is encouraged.

**4. Single-Family Attached Residential Development**

Design elements which are encouraged to be incorporated into single-family attached units include:

**a. General Site Planning**

- i. Breaks in long buildings are suggested, so as to provide for pedestrian circulation and access to alleys.
- ii. Where attached garages are used, semi-private front yards and larger decks are encouraged.
- iii. Staggered front setbacks.
- iv. Creativity of design is greatly encouraged.

**b. Architectural Features**

- i. A front elevation with the first floor clad in stucco, stone or brick, or other architecturally compatible material.
- ii. A non-repetitive front façade design can be developed by mixing different window treatments, such as: transom windows, bay windows, roof dormers containing windows.
- iii. A front door containing at least one side light, or one transom window over the front door.
- iv. Offsets are encouraged between two double garage doors on the same façade.

**c. Private Yard and Fencing**

- i. A fully landscaped yard and/or an outdoor private patio or deck.
- ii. Where townhome designs do not provide private rear yards, a front patio, yard or balcony is recommended such as a 150 square foot patio and/or an 8 by 10 foot balcony.

**d. Building Entry Locations**

- i. A unit designed so that the unit's garage door or doors and its "front entry" appear on different sides of a building. A front entry is defined as an entry into a living space.
- ii. The facades of single-family attached townhouses should be articulated to differentiate individual units unless the units are designed to look like one large single family home.
- iii. Alley-loaded designs.

**e. Lighting Design**

- i. Soft outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is encouraged.
- ii. Lighting overflow to adjacent properties is regulated by the Land Development Code and should be minimized. In addition, all lighting should be shielded.

**5. Multi-Family Residential Development**

A proposed multi-family residential development should respect the scale of any adjacent residential buildings, and provide for an orderly transition to a different scale of development. These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code.



**a. Creativity**

Creativity of design is encouraged

**b. Specific Guidelines**

Design elements which are encouraged to be incorporated into the design of multi-family developments include:

- i. All multi-family buildings are encouraged to be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof plane surfaces are discouraged.
- ii. Horizontal articulation through the use of decorative banding, a change of siding material and/or color, or sloping roof planes are preferred design features.
- iii. So as to create variety to a three-story housing type, one and two story units or building elements can be introduced, especially at ends and corners. Garages and carports can also be sited at the ends of buildings to help minimize three story end conditions. This is to help mitigate impacts of multi-family developments when located adjacent to single-family detached and attached residences.
- iv. Buildings should be oriented outward towards the street or parks to provide a residential character to the community's streets and parks. Internal to the parcel, buildings should be oriented to create parking courts (areas for parking, carports, and garages), and usable areas of open space. This will also minimize the visual impacts of automobiles on the community experience. Facades with no entries, fenestration or articulation should not be visible from approach streets and property entry.
- v. Building entries should be visible from the street and be clearly signed and lit.
- vi. Ground floor units are recommended to have articulated residential entries, which may be shared for multiple units.
- vii. On smaller multi-family buildings with less than four units, a design option would be to utilize massing and exterior materials to give each building the appearance of a large single-family home.
- viii. Building spacing should be optimized so that the structures do not overpower the design of the development.
- ix. On buildings where sloping roofs are the predominant roof type, distinct roof ridgelines are recommended. Hip and gable roofs are encouraged.
- x. A building's special architectural features and treatments should not be restricted to a single façade, and can be applied throughout the entire community. Massing can be simple, yet allow enough variation to create visual interest and a residential scale.
- xi. All elevations on multi-family buildings are recommended to contain windows.
- xii. Sensitivity to the proximity and buffering of garages adjacent to buildings is encouraged.
- xiii. Residential buildings should be set back from parking courts to provide a sufficient transitional landscaping area. When possible, parking courts (area for parking, carports and garages) are preferred to a linear parking arrangement. When parking is organized into courts, the visual impact of parking on internal driveways and buildings is minimized.

- xiv. To minimize exterior surface parking in multi-family developments, resident parking should be provided in garages, wherever possible.
- xv. Garage door elevations can be mixed with non-garage door elevations on the front façade, and the plane of each garage door is recommended to be offset from the plane of the garage door adjacent to it.
- xvi. Outdoor balcony or patio areas are encouraged. It is advisable to orient these towards interior streets, walkways or parks.
- xvii. When through wall heating, venting, or air conditioning units appear on exterior building walls, such units are encouraged to be covered by an architectural grille, and be designed in such a manner as to blend in with surrounding wall surfaces. Utilities should be designed to blend in with the architecture and landscaping.
- xviii. Soft outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is required. Overflow lighting should be minimized, and all lighting should be shielded for glare.
- xix. All roof top mechanical equipment should be appropriately screened.
- xx. Trash receptacles, dumpsters, and recycling bins are encouraged to be located conveniently to residential units, yet thoroughly screened with walls/fences and/or landscaping buffer. Receptacles should be sited to avoid adverse visual, noise, and odor impacts to residential units or public spaces. A central compactor is a recommended amenity.

**c. Amenities**

The following amenity features are encouraged:

- i. Recreational facility, such as a tennis court, picnic area, or volleyball court;
- ii. Swimming pool;
- iii. Paved plaza area with benches focusing on a water feature or work of art;
- iv. Resident clubhouse;
- v. Adult recreational area;
- vi. Children’s play area, with benches and trash receptacles.

**4-2.3. Development Design Standards**

**A. NON-RESIDENTIAL**

**1. Natural Features**

- a. The layout of lots and blocks shall make use of natural contours while maintaining existing views, affording privacy for nearby residents and protecting from adverse noise and vehicular traffic.
- b. Natural features and vegetation of the area shall be preserved if at all possible.
  - i. Lacking any reasonable alternative to not grading ridgelines, swales and drainageways, major ridgelines and major swales and drainageways shall be graded in a manner that maintains their approximate topographic form. Significant reconstruction of major or prominent topographic features shall be avoided to the maximum extent feasible.
  - ii. Tree masses and large individual trees shall be preserved. A tree survey mitigation plan is required if tree masses and large individual trees are to be preserved, relocated, or replaced. Healthy trees measuring four caliper inches

or more shall be replaced with a 1:1 ratio, caliper-inch for caliper-inch or, where not feasible, an equivalent based on numbers of trees and caliper-inch.

**2. Site Layout**

- a. Subdivisions that create large parcels that offer the possibility of further subdivision shall be arranged to allow the opening of future streets and provide for logical replatting of the large parcels.
- b. Shared service and delivery access shall be provided between adjacent parcels and/or buildings to the extent possible.

**3. Architecture**

**a. Four-Sided / 360-Degree Architecture**

Each building shall incorporate a similar level of architectural detailing on all sides subject to public view or viewed from adjacent properties. Blank walls void of architectural details or other variation are prohibited.

**b. Screening of Mechanical Equipment**

- i. All rooftop and grade-level mechanical equipment shall be screened from on-site grade-level view.
- ii. Gas and electrical meters, generators, soft water tanks, venting, and heating and air conditioning units shall be screened from public view.
- iii. Screening shall be part of the articulation of the building and integrated into the building design.
- iv. All vents greater than eight inches in diameter shall be screened.
- v. Screens shall be at least as high as the equipment they hide, and shall be of a color and material matching or compatible with the dominant colors and materials found on the facades of the primary building.
- vi. Parapet and screen walls shall be shown on all site plans and elevations as applicable.
- vii. Sound attenuation for mechanical equipment shall be included in the overall site design, particularly when impacting residential uses or a public area.

**c. Building Height and Setbacks**

- i. Building heights shall avoid the perception that individual buildings are out-of-scale with the size of their lots or with neighboring buildings, and shall avoid unnecessary snow shadowing of neighboring buildings and rights-of-way.
- ii. Buildings located on the south side of streets are required to provide a 1:1 setback from the flow-line (building height to setback ratio) to accommodate snow shadows.
- iii. Developments are encouraged to display transitional elements when incompatible uses are adjacent to one another.

**4. Pedestrian Amenities**

- a. Ground-floor facades that face public streets or other public areas (e.g., outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features along no less than 25 percent of their horizontal length. Pedestrian-oriented design features include, but are not limited to, covered or sheltered sidewalks, porticos, entryways, and awnings.
- b. Pedestrian walkways shall be separated from roadways used by vehicular traffic.

- c. Sidewalks shall be designed to provide all sites with logical pedestrian connections to adjacent uses and public walkways, schools, parks and playgrounds, places of worship, and shopping areas.
- 5. **Outdoor Storage**
  - a. All outdoor storage shall be screened from view when the use is visible to the general public from public open space or park lands, from a public right-of-way (including streets, trails, and sidewalks), and from adjacent residential or other non-residential uses.
  - b. Screening shall consist of a solid fence or wall, at least six, and not more than 10 feet in height, notwithstanding any more restrictive provisions contained in the County Land Development Code.
  - c. Where topographic conditions such as elevated rights-of-way permit visibility over the fence or wall, such visibility shall not be considered a violation of these Regulations.
  - d. For commercial uses, such fence or wall shall match the colors/materials of the site's primary building. Chain link fencing, with or without slats, shall not be used to meet screening requirements for any outdoor storage use.
  - e. Stacks or piles of items and materials shall not project above the fence or wall used to screen the material.
  - f. No storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water, shall be permitted as part of any outdoor storage use if such materials exceed applicable fire code requirements.
- 6. **Landscaping**

Unrelieved, uninterrupted asphalt or pavement area shall be mitigated through the use of landscaping, contrasting colors and banding, or pathways of alternative paving material.
- 7. **Service Areas**
  - a. **Location**
    - i. Outdoor service areas, including loading docks, refuse collection areas, and similar facilities, shall be located at least 20 feet away from any public street, internal or private drive, sidewalk, internal pedestrian walkway, or building with a residential use (not including a mixed-use building).
    - ii. Trash collection or disposal areas, loading docks, or service areas shall not encroach into parking setbacks or required landscape buffers or be located between the front building line and a public right-of-way.
  - b. **Screening**
    - i. Trash containers shall be shielded from view by placement within buildings, or by an enclosure with solid walls and/or fencing at least six feet in height.
    - ii. Trash storage containers, trash compactors and trash placed in such containers shall not project above the screening wall or fence.
    - iii. Wall, gates, and fence materials shall be identical to, or shall compliment, the exterior building materials on the primary structure. Trash enclosure gates shall be constructed of metal or other solid material or cladding.
    - iv. Additional landscaped berms and plantings may be required to minimize views of service and trash areas.

**8. Landscaping and Buffers**

- a. Landscape design, in terms of quantity, quality, and spacing of landscaping materials, will be reviewed as part of a development plan application. Particular emphasis will be placed on buffers and determination of optimal placing of landscaping between adjacent uses.
- b. Landscape buffers shall contain landscaping and other landscape/screening elements such as fences, berms, decorative walls, retaining walls, etc. A combination of such design treatments is encouraged for buffers. Public and private easements are also allowed in landscape buffer areas.

**9. Parking Lots**

Parking lot landscaping and screening are required to be provided in accordance with Section 4-1.3.E, Landscaping and Buffering for Parking Lots, above. Methods of screening a parking lot include: berming, landscaping, and decorative walls/fencing.

**10. Open Space**

All non-residential development shall provide open space areas that are landscaped. All open space areas shall be provided and landscaped in accordance with the requirements of this Land Development Code.

**B. RESIDENTIAL**

**1. General Requirements**

- a. For all uses, except single-family residential, rural residential, and agricultural, drainage easements for storm sewer or overland conveyance, except for drainage from adjacent lots, shall be platted as tracts to be owned in common ownership.
- b. Residential lots shall be platted outside the designated floodplain.
- c. The design of individual residential buildings and groups of buildings shall employ a variety of design features, variations in wall and roof massing, textured surfaces, bay windows, the creation of shadow lines, a varied color palette, window patterns, historical reference, and similar residential architectural devices to avoid the creation of monotonous residential neighborhoods and streetscapes.
- d. The Homeowners' Association and/or Metropolitan District or a private owner shall maintain any areas not subject to maintenance by Arapahoe County or a recreation district. The ownership/maintenance of such areas shall be specified and/or dedicated on the Final Plats or on the plans for development on a previously platted lot.

**2. Screening**

- a. Trash containers shall be shielded from view by placement within buildings, or by an enclosure with solid walls and/or fencing at least six feet in height. Trash storage containers, trash compactors and trash placed in such containers shall not project above the screening wall or fence.
- b. Walls, gates, and fence materials shall be identical to, or shall complement, the exterior building materials on the primary structure. Trash enclosure gates shall be constructed of metal or other solid screen material or cladding.
- c. Additional landscaped berms and plantings may be required to minimize views of service and trash areas.

**3. Lighting**

- a. All lighting shall, at a minimum, conform to the lighting standards in the Arapahoe County Land Development Code.

- b. All lighting mounted on buildings or poles shall be downcast, without drop lenses, and shall be shielded.

**4. Landscaping**

- a. Parking lot landscaping and screening are required to be provided in accordance with the parking regulations contained in the Arapahoe County Land Development Code.
- b. Methods of screening a parking lot include berming, landscaping and decorative walls/fencing.

**5. Small Lot Residential Development**

**a. Intent**

- i. These regulations are intended to address residential lots less than 5,000 square feet in size in any residential development that includes single family detached and/or single-family attached and attached dwelling units. These requirements are designed to minimize the objectionable impacts of small lot development such as: the canyon-like effects from large homes on smaller lots, a congested feeling within development due to inadequate open space, monotonous use of setbacks, and associated street shading in the winter time.
- ii. A determination of whether a subdivision with small lots, less than 5,000 square feet in size, meets the Intent of this section will depend on issues such as: maximum building coverage, maximum volume of a building on a lot, staggered or varied setbacks, architectural variety, alternatively loaded garages, open space amenities, landscaping features and privacy fencing details.
- iii. The street frontage shall not be dominated by garages or driveways. Careful consideration must be made for building and garage placement in order to mitigate the dominance of the garage along the street frontage.
- iv. A small lot subdivision will be further evaluated when proposed on narrower streets than the public roadway standards with restricted parking. This evaluation will include proper mitigation for the increased density and congestion due to narrower streets. All applicable Fire District and PWD Engineering requirements shall apply.

**b. General Provisions**

- i. The following standards are supplemental to the existing standards for a General or Specific Development Plan or a Conventional Rezoning as applicable.
  - (a) For developments containing lots less than 5,000 square feet, the development must be aesthetically pleasing, provide reasonable levels of private open space and limit height, mass and configuration of structures to avoid canyon-like or wall-like streetscapes, thereby preventing an overcrowded feeling. Solid fences should not be placed on lot lines or be visible from the street unless they can be incorporated without contributing to this same wall-like or over crowded feeling. Consistency in fencing type should be incorporated into the design.
  - (b) When private open space on the lots is minimal, the development must include additional common open space, configured in ways to be useable. The private open space must contribute to a feeling of height and air in the subdivision and lessen the crowded effect of large homes on small lots. Front setbacks shall be staggered to provide verifiable and perceptible

change to the front elevation along the street. Covered porches count towards staggering when porches make up at least 50 percent of the house width excluding the garage.

- (c) Variation in garage placement along the street includes recessed and alley loaded garages both attached and detached.
  - (d) Developers are strongly encouraged to orient units to the street using features such as prominent front doors, useable front porches or patios accessing the street, architectural detailing and landscape improvements.
  - (e) Detached sidewalks on both sides of the roadway are an allowed option. Sidewalk placement may be considered on a case-by-case basis depending upon site considerations which include but are not limited to: topographic constraints, parking requirements, landscaping design and maintenance of the tree lawn.
- ii. All open space requirements shall be satisfied in accordance with Section 4-1.1, Dimensional Standards, or Section 4-1, Lot and Site Development Standards.
  - iii. General Design Principles, as applicable.
  - iv. All requirements of the Landscaping regulations shall apply in accordance with Section 4-1.2.F as stated in this LDC.

**c. Sidewalks**

**i. ATTACHED**

The front setback shall be a minimum of 18 feet from the front of the garage measured to the property line at the back of sidewalk. If the garage is setback from the front of the house, a 15 feet setback to the front building line of the house is allowed. A covered porch may extend up to 10 feet from the property line.

**ii. DETACHED**

Detached sidewalks may be placed in easements. When utilized, the sidewalk easement shall span the distance between the property line at the back of curb and the back edge of the sidewalk. The front setback requirement shall be a minimum of 18 feet measured from the front building line of the garage structure to the closest back of sidewalk. The front setback of the house may be reduced to a minimum 13 feet from the back of curb (property line) with the porch allowed to encroach up to four feet from the back of sidewalk.

**iii. TREE LAWN**

The minimum tree lawn shall be four feet wide.

**d. Building Orientation, Garage, Open Space and Landscaping Standards**

The following items are required for lots less than 5,000 square feet in size that are subject to the Intent of the small lot regulations:

- i. An illustration of side setback relationships and front setback variation;
- ii. An illustration of home to home orientation addressing privacy issues between homes.
- iii. An illustration of lot coverage showing building footprints, percentage of structural coverage and percentage of open space;
  - (a) A typical plan for developer/builder installed front yard landscaping;

- (b) Documentation of the number of lots of this size in the overall development; if application is an in-fill site, documentation of the lot size mix within the surrounding neighborhood. Small lot developments may be a departure from the surrounding densities. The overall design shall be considered in a determination of compatibility not just density.
- (c) Variations in garage placement are strongly encouraged. The applicant should demonstrate how this variety has been achieved. Garage placement options include but are not limited to: front loaded and recessed attached and detached, rear loaded and recessed attached and detached or side loaded attached or detached.
- (d) The garage door openings of one of every two single-family detached buildings that front on the same street in the same block must exhibit at least one of the following alternately loaded designs:
  - (i) Attached and recessed from the front building line of the home by minimum of three feet with access from the front;
  - (ii) Attached and in the side or rear yard loaded with access by either an alley or a driveway from the side. The garage shall be setback a minimum of three feet behind the front building line;
  - (iii) Detached with front, side or rear access and setback a minimum of three feet behind the front building line;
  - (iv) Attached and flush with the front building line, provided that a covered porch extends at least four feet forward from the front building line of the house and at least the 50 percent of the house width;
  - (v) Flush with the front building line and side-loaded.
- (e) For dwelling units with garage door openings that are not flush, recessed, side-loaded, rear-loaded or detached, garage door openings may be provided in the any of the following ways:
  - (i) Extending from the front building line of the living unit not more than 10 feet, but with an architectural design element such as bay/box window; covered porch at least four feet in depth and 50 percent of the house width (excluding the garage) across the front building line of the living unit;
  - (ii) A defined outdoor space such as a courtyard that is designed to include the front yard space between the front building line of the living unit and the front building line of the garage, developed to extend at least flush with the garage front building line; and
  - (iii) Extending from the front building line the width of the garage with a side entry garage.
- iv. A narrative description of the proposed project including overall design concept and target market;
- v. An enlarged and fully dimensioned illustration of a typical cluster, car court, or area of lots that clearly delineates:
  - (a) Lot configuration;
  - (b) Building footprints;
  - (c) House-to-house relationships;
  - (d) Outdoor living and landscape areas, and
  - (e) Pedestrian and vehicular access including walks, driveways, streets, and proposed open or greenbelt area.



- vi. Architectural elevations illustrating:
  - (a) Character;
  - (b) Colors;
  - (c) Materials; and
  - (d) Street scene.
- vii. A conceptual landscape plan for developer/builder installed landscaping.
- viii. An overall land plan showing location and relationship of proposed project to adjacent land uses and/or existing surrounding neighborhoods.
- ix. Graphically illustrate the relationship between the street, parking, sidewalk placement, front porch/ front entrance and the garage placement.
- x. Other items as determined necessary by the PWD Department.

#### 4-2.4. Land Division Standards

##### A. PROVISIONS

###### 1. Purpose

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels for residential, commercial, industrial, recreational utilities and other public purposes will determine to a large degree the quality of health, safety, and economy of the environment.

###### 2. Intent

These regulations are designed, intended, and should be administered in a manner to:

- a. Implement the Comprehensive Plan.
- b. Establish adequate and accurate records of land subdivision.
- c. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of appropriate adjoining tracts.
- d. Provide for adequate, safe, and efficient public utilities and improvements; and to provide for other general community facilities and public places.
- e. Provide for light, air, parks, and other spaces for public use.
- f. Provide for protection from fire, flood, and other dangers; and to provide for proper design of storm water drainage facilities and streets.
- g. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners/developers of the tract, and the costs of improvements which primarily benefit the whole community be borne by the whole community.
- h. Provide for the administration and regulation of special areas and activities as might be delineated in the County Master Plan.

###### 3. Jurisdiction

These subdivision standards and regulations shall apply to all land in the unincorporated portion of Arapahoe County, Colorado except as exempted below:

###### 4. Terms and Definitions

- a. The terms "subdivision" and "subdivided land" as defined in Chapter 6, Definitions, shall not apply to any division of land which creates parcels of land each of which comprise 35 or more acres of land, none of which is intended for use by multiple owners.

- b. Unless the method of disposition is adopted for the purpose of evading this article, the terms "subdivision" and "subdivided land" as defined in Chapter 6, shall not apply to any division of land:
    - i. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interests;
    - ii. Which is created by a lien, mortgage, deed of trust or any other security instrument;
    - iii. Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners of Arapahoe County, in which the property is situated, is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of provisions of these Regulations prior to entry of the court order; and, if the Board does not file an appropriate pleading within 20 days after receipt of such notice by the court, then such action may proceed before the court;
    - iv. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity;
    - v. Which creates cemetery lots;
    - vi. Which creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; or
    - vii. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposes of this section as only one interest;
    - viii. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this article and any applicable County regulations, the land which he is to acquire pursuant to the contract;
    - ix. Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than 35 acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than 35 acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in 35 or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph.
  - c. The Board may exempt from this definition of the terms "subdivision" and "subdivided land," any division of land if the Board determines that such division is not within the purposes of this article.
5. **Other Documents Incorporated**  
This Section 4-2.4 includes and incorporates the following separate documents duly adopted by the Arapahoe County Board of County Commissioners:
- a. The "Arapahoe County Stormwater Management Manual," hereinafter as the Stormwater Manual.

- b. The "Arapahoe County Infrastructure Design and Construction Standards," hereinafter as the Roadway Design Standards.
- c. The "Arapahoe County Grading Erosion Sediment Control Standards, hereinafter as the GESC Manual.
- d. The "Rural Engineering Standards."

**B. LAND DIVISION DESIGN PRINCIPLES AND STANDARDS**

**1. Street Design Principles**

- a. Streets shall generally conform to the collector and major street plan adopted by the Planning Commission and County Commissioners and any amendments thereto.
- b. If a tentative plan has been adopted by the Planning Commission to the neighborhood of the proposed subdivision, the street system of the latter shall conform in general thereto.
- c. Streets shall be located with appropriate regard for topography, creeks, wooded areas, and other natural features that would enhance attractive development.
- d. Existing streets, including preliminary platted streets, in adjoining territory shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless variations are approved by the Planning Commission.
- e. Streets within subdivisions shall be designed as a system of circulation routes such that the use of local streets by through-traffic will be discouraged.
- f. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission shall require adequate provisions for reduction of noise. Parallel streets, landscaping, screening, easements, greater lot depth and increased rear yard setbacks, among others, are recommended solutions.
- g. Streets shall intersect as nearly at right angles as possible.
- h. When a tract is subdivided into larger than normal building lot(s) or parcel(s), such lot(s) or parcel(s) shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.
- i. Street jogs with centerline offsets of less than 125 feet shall be prohibited.
- j. A cul-de-sac street shall be limited to a length of 600 feet.
- k. Where a street will eventually be extended beyond the plat but is temporarily dead-ended, an interim turn-around may be required.
- l. Dedication of half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and provided that the Planning Commission finds it will be practical to obtain the dedications of the other half of the street right-of-way. Wherever a half-street dedication is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- m. All street naming shall be in accordance with the Street Naming Policy of Arapahoe County and no street names shall be used which will duplicate or be confused with the names of existing streets.
- n. Major arterial streets shall not be intersected by local streets.
- o. Major arterial street intersections with arterial streets or collector streets should normally be located at no closer than approximately one quarter mile intervals.
- p. Whenever a subdivision is not served by sufficient regional infrastructure, facilities, networks or systems (hereafter "regional improvements"), the Board of County

Commissioners may restrict or postpone approval of the subdivision and the issuance of any new building permits until the needs are met. The restrictions may consist of any action or combination of actions which, in the discretion of the Board of County Commissioners, sufficiently provide for construction of the particular regional improvements before the impacts of the subdivision create or unduly exacerbate the need for the particular regional improvements. The Board of County Commissioners may also remove these restrictions upon the agreement of a district or other responsible party to construct the needed regional improvements, on a construction schedule and funding proposal deemed sound and adequate by the Board. The restrictions may include postponement of approval of subdivision plats not yet approved, or the imposition of conditions upon approval of the subdivision, or restrictions or limitations on the issuance of building permits or certificates of occupancy, or the assessment of fees and charges as needed to equitably provide for the cost of the regional improvements, or required pro-rata contributions toward the cost of the regional improvements prior to approval or permit issuance, or any combination of the above, calculated based upon the benefit to the subdivision and the need created or exacerbated by the subdivision. The Board of County Commissioners may also impose such restrictions upon the issuance of building permits or certificates of occupancy for lots in subdivisions approved without conditions or requirements related to the particular regional improvements, in accordance with the County's Building Permit Referral Policy.

- q. An improvement, facility, network or system is considered "regional" in nature for the purposes of Paragraph 4-2.4.B.1.p above, if it exists, is planned or is designed, primarily to benefit or to serve more than a single subdivision or development, and if the service area of the particular regional improvement includes the future residents of the proposed subdivision. Examples of regional improvements include, but are not limited to: traffic signals, major intersection improvements, utilities, arterial road infrastructure and related facilities, road infrastructure serving public facilities (such as schools, parks, libraries, and government offices), bridges, parks, schools, libraries and public transportation facilities.
- r. Pursuant to CRS Article 28 of Title 30, as amended, all subdivisions must be so established that all lots and parcels conform to the State Highway Access Code (Article 2 of Title 43).

## 2. Subdivision, Street Design, and Construction Standards

- a. All streets in residential subdivisions classified as an R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, R-2-B, R-M, PUD, or any residential portion of a previously approved PUD, as set forth in the Arapahoe County Land Development Code, shall be completed as follows:
  - i. All public streets shall be constructed with curb, gutter, sidewalk and pavement and shall be designed and constructed according to criteria and standards set forth in the Arapahoe County Infrastructure Design and Construction Standards.
  - ii. All private streets shall be constructed to meet or exceed minimum roadway and parking requirements as found in the Arapahoe County Infrastructure Design and Construction Standards.
  - iii. Any parking restrictions shall be detailed on the applicable development plans or plats.

- b. All streets in subdivisions which are classified as A-E, A-1, RR-A, RR-B, RR-C or R-1-A, by the Arapahoe County Land Development Code and Zoning Map shall be completed as follows:
    - i. All public streets shall be constructed in conformance with the Arapahoe County Infrastructure Design and Construction Standards for the rural road cross-sections.
    - ii. All private streets shall be constructed to meet or exceed minimum roadway and parking requirements as found in the Arapahoe County Infrastructure Design and Construction Standards.
  - c. No new subdivisions shall be approved with gravel streets. The pavement design and construction of all streets, whether publicly or privately owned and maintained, shall be in accordance with criteria contained in the Arapahoe County Infrastructure Design and Construction Standards.
  - d. More stringent requirements due to design variations may be imposed by the PWD Engineering Services Division based on recommendations by the Planning Commission or PWD.
  - e. All streets abutting a subdivision shall be complete with curb, gutters, sidewalks, and pavements which shall be designed and constructed in accordance with the Arapahoe County Infrastructure Design and Construction Standards. The subdivider shall pay for the improvement costs for a street width of 26 feet for the street abutting the subdivision in bringing that street to current standards for its classification as adopted in the current Arapahoe County Comprehensive Plan. This is applicable only to streets abutting the proposed development. The subdivider shall also be responsible for offsite roadway improvements identified by the approved traffic impact study as being required or recommended to mitigate traffic impacts of the proposed development. The Board of County Commissioners will decide on the extent of offsite improvements appropriate for any subdivision application.
  - f. Traffic control devices which are required under the Manual on Uniform Traffic Control Devices as published by the U.S. Department of Transportation, Federal Highway Administration, will be installed by the County at the developer's expense. The County PWD Department will determine the needs and they will be listed along with their cost in the Subdivision Improvement Agreement. Prior to probationary street acceptance, all traffic control devices listed in the Subdivision Improvement Agreement will be paid for and/or installed. The County will furnish and install traffic signs according to the cost schedule published by the PWD Department.
  - g. Benchmarks, boundary monuments and range points shall be provided in accordance with the requirements for Final Plats as specified in the Arapahoe County Development Application Manual.
  - h. Vertical control shall be established according to the Arapahoe County Infrastructure Design and Construction Standards.
  - i. Street plan and profile requirements are given in Chapter 3 and in Chapter 4 of the Arapahoe County Infrastructure Design and Construction Standards.
3. **General Construction Requirements**
- a. Construction of streets and appurtenant improvements shall be in accordance with the Arapahoe County Infrastructure Design and Construction Standards.

- b. It is the policy of Arapahoe County to not allow street cuts for utility installations for a period of two years after streets have been newly paved or newly constructed. Specific requirements may be found in Chapters 8 through 10 of the Arapahoe County Infrastructure Design and Construction Standards.
  - c. For unusual or emergency circumstances, subdivider or developers who wish to arrange for utility installations that are contrary to this policy shall submit a variance request in accordance with procedures established by the PWD Engineering Services Division.
  - d. The location of curb cuts shall be determined by the approved Final Development Plan (for P.U.D.'s), for all other properties the location of curb cuts shall be by an access permit granted by the PWD Engineering Services Division.
  - e. Before opening newly constructed roadways for public use, all striping, signs, and barricades depicted on the approved signing and striping plan must be in place. Explicit approval from the PWD Department must be obtained prior to opening new roadways for public use.
  - f. Subdivider shall dispose of trash and debris resulting from construction of the site in a manner approved by the regulating authority.
  - g. All on-site water systems within a subdivision must meet the standards of the Tri-County Health Department.
  - h. All sanitary sewer systems within a subdivision must meet the standards of the Tri-County Health Department.
4. **Alleys**
- a. Alleyways shall be a minimum of 20 feet in width with paving of not less than 16 feet in width including drainage pans.
    - i. Except where justified by special conditions, alleys will not be publicly maintained by Arapahoe County and shall be categorized as a private road.
    - ii. Enforcement of no parking on private alleyways shall be the responsibility of the owner/subdivider/HOA. Development plans including alleys will include notes to this effect.
    - iii. When an alleyway is used for emergency access, compliance with all applicable fire district and PWD engineering standards shall apply. Approval from the applicable fire district shall be required prior to finalization of a project.
  - b. Sharp changes in alignment of alleyways shall be accommodated through adequately sized curb returns, turning radii for vehicles and site distance triangles.
  - c. Dead-end alleys are allowed depending upon alleyway length, width and the turn-around ability as determined by the applicable fire district and PWD engineering requirements.
  - d. Alleyway landscaping shall be consistent with the rest of the development with landscaping strips on both sides of the alley for property outside the paved surface. The landscaping shall be installed by the developer or builder and maintained by the HOA to ensure consistency through the development.
  - e. All fencing along the alleys is required to be consistent in terms of material and design.
  - f. Sight triangles shall be provided on all alleyways.

**5. Lots**

- a. The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The lot shall provide an adequate buildable area for the development contemplated.
- b. Lots should front only on local streets; however, when necessary, lots designed to face a collector street shall provide adequate means for automobile turnaround within the lot.
- c. Side lot lines should be approximately at right angles or radial to street lines.
- d. Lots may not be required for subdivision of commercial and industrial use, but when provided should be of appropriate size and arrangements to provide for adequate off-street parking and loading facilities based on the intended use, and no individual parcel shall be created for a particular commercial or industrial use that has an area, width, or depth that is less than is required for the permitted use under the applicable provisions.
- e. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from major streets or to overcome specific disadvantages of topography and orientation. A planting and screening easement of at least 10 feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting and screening easement. The Planning Commission may require a permanent ornamental fence of a height and architectural design that will appropriately screen and be harmonious with the neighborhood and residential character.
- f. The building area of lots should not face directly into the oncoming traffic of an intersecting street of a "T" intersection.

**6. Blocks**

- a. The length, width, and shape of blocks shall be determined with the regard for the following:
  - i. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - ii. Zoning requirements as to lot sizes and dimensions.
  - iii. Needs for convenient access, circulation, control, and safety of street traffic. D. Limitations and opportunities of topography.
- b. Blocks for residential use shall not be longer than one quarter mile, measured along the centerline of the block, unless approved by the Board of County Commissioners.
- c. Blocks should be of sufficient width to allow two tiers of lots of appropriate depth.
- d. Blocks for business or industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.
- e. Irregular shaped blocks, indented by cul-de-sacs, containing interior parks or playgrounds and adequate parking space, will be acceptable when properly designed and covered by agreement as to maintenance of such park areas.

**7. Easements**

- a. Whenever a block exceeds 600 feet in length, the Planning Commission may require a dedicated easement not less than 10 feet in width to provide pedestrian access across the block.
- b. Electric, telephone, and CATV lines shall be placed underground, except for major transmission lines of a public utility.

- c. Easements for “cross-access” through and between platted lots of a non-residential subdivision shall be required in order to minimize the proliferation of curb cuts along collector and/or arterial streets.

**8. Planned Unit Development**

- a. Whenever a subdivision is developed as a Planned Unit Development, and meets the standards and criteria established by this LDC for a Planned Unit Development, the Planning Commission and Board of County Commissioners may vary the requirements of the subdivision standards in this Section 4-2.4.
- b. In no case will development be allowed or building permits issued until a Planned Unit Development Plan is approved by the Board of County Commissioners where required.

**4-2.5. Land Dedication Standards**

**A. INTENT**

Public land dedication shall be provided by the Owner/Subdivider of land which is subdivided to permit residential uses, for use of public parks, public schools and other public purposes to serve the future residents of the subdivision. As used in this Section, the term “other public purposes” would include, but not be limited to, libraries, fire stations, public buildings and other similar facilities.

**B. LAND SUITABILITY AND IMPROVEMENTS**

The agency or department eligible for the land dedication must evaluate land suitable for dedication and provide written comments to the Board of County Commissioners prior to the final plat hearing before the Board. Land may also be excluded when determined by the Board of County Commissioners that the land is unsuitable for the development purposes and does not meet County requirements. A determination of land suitability will include the following:

**1. Land for Public Schools**

- a. Land without geologic hazards or contaminated waste;
- b. Land exclusively outside of the floodplain with slopes no greater than five percent;
- c. Land agreed upon by the school district, and
- d. Land with access to a public street of suitable classification.

**2. Land for Public Parks**

- a. Land without geologic hazards or contaminated waste.
- b. Land with appropriate access for pedestrian use with limited parking.
- c. Land strategically located as a link between other open space areas and parklands.
- d. The owner/subdivider shall be required to install street, sidewalk and drainage improvements serving the dedicated site and sewer and water lines to the site. The site shall be preserved in its natural physical condition, unless otherwise approved by the Board of County Commissioners. Public improvements and sewer and water line extensions shall be provided at the time when adjacent improvements are installed, or upon request of the Arapahoe County Board of County Commissioners, and shall be included within the subdivision improvement agreement for the development.
- e. Once these improvements have been installed, the school district, park district or other public entity shall be responsible for the repair of any damage to such improvements caused during construction on such dedicated sites.



**3. Land for Other Public Purposes**

- a. Land without geologic hazards or contaminated waste; and
- b. Land that includes floodplain area may use no more than five percent of the floodplain for credit towards the dedication requirement.

**C. FORMULA FOR CALCULATING LAND DEDICATION REQUIREMENT**

The method to determine the amount of land to be dedicated by any Owner/Subdivider of residential land shall be based upon the population and students expected to be generated at the time of completion of the project, determined in accordance with the standards set forth in these regulations. The following standards shall be used to calculate the amount of land to be dedicated in connection with final plat approval.

**1. Acreage Required for Parks and Other Public Purposes**

- a. Public Parks: Six acres of dedicated land/1,000 population
- b. Other Public Purposes: One quarter acre of dedicated land/1,000 population

**2. Acreage Required for Suburban and Rural Public Schools**

**a. Classification of Schools**

Although average household size and student population per household is generally similar throughout Arapahoe County, the regulations should recognize differences between suburban and rural school facilities. The following is a breakdown of the school districts within Arapahoe County that are considered suburban and rural, respectively:

TABLE 4-2.5.1 CLASSIFICATION of SCHOOLS for LAND DEDICATION CALCULATION	
Suburban School Districts	Rural School Districts
Aurora School District No. 28j	Bennett School District No. 29j
Cherry Creek School District No. 5	Byers School District No. 32j
Englewood School District No. 1	Deer Trail School District No. 26j
Littleton School District No. 6	Strasburg School District No. 31j
Sheridan School District No. 2	

**b. Land Required for Public Schools per Student**

The following figures shall be used to determine the land area per student that is required to be dedicated for subdivisions creating new residential units:

**i. SUBURBAN SCHOOL DISTRICTS**

The land area required is 0.0260 acres per student. This is based on the total land area required for elementary, middle, and high schools divided by the total number of students, or 81.25 acres divided by 3,125 students. It is assumed that elementary schools require 11 and one half acres for 650 students, middle schools require 21 and three fourths acres for 675 students, and high schools require 48 acres for 1,800 students.

**ii. RURAL SCHOOL DISTRICTS**

The land area required is 0.0597 acres per student. This is based on the total land area required for elementary, middle, and high schools divided by the total number of students, or 60.06 acres divided by 1,006 students. It is assumed that elementary schools require 8.7 acres for 370 students, middle schools require

17.12 acres for 212 students, and high schools require 34.24 acres for 424 students.

**c. Population and Student Generation Calculations**

Calculations for determining population have been broken down into three residential land use densities in dwelling units per acre (du/ac) and with the following persons per dwelling unit and students per dwelling unit:

TABLE 4-2.5.2 POPULATION AND STUDENT GENERATION		
Residential Density	Population Generated	Students Generated
0.00 – 7.49 du/ac	2.96 persons/du	0.775 students/du
7.50 - 14.99 du/ac	2.39 persons/du	0.364 students/du
15.00 du/ac and above	1.76 persons/du	0.195 students/du

**D. LAND VALUE CALCULATION**

**1. Determination to Dedicate or Pay Equivalent**

If the Board of County Commissioners determines that the acreage required within a development for schools, parks or other public purposes is too small to be viable or desirable or cannot be integrated into the development, the owner/subdivider shall be required to pay a sum of money to Arapahoe County, Colorado, in lieu of the land dedication requirement set forth in Sections 4-2.5.C and 4-2.5.C.2 above.

**2. Appraisal Method**

**a. Equivalent Value**

The amount of said sum of money shall be the equivalent value of the area calculated to be dedicated. This shall mean the current fair market value of the total zoned and platted lands, improved with access and utility improvements as required for dedicated sites.

**b. Methods to Determine Fair Market Value**

There are two methods available to the applicant to determine the fair market value of the land: the Appraisal Method and the Assumed Value Method. Under both methods, the value shall be current to within six months of the Board of County Commissioners hearing on the final plat.

**i. APPRAISAL METHOD**

The Appraisal Method shall be followed to determine the fair market value of the property unless the applicant elects to determine the value under the Assumed Value Method described below as Option 2. Under the Appraisal Method, the fair market value of the property is determined by the Board of County Commissioners after consideration of qualifying appraisals submitted to the Board of County Commissioners.

- (a) After acceptance of a final plat submittal, the Planning Division shall determine whether cash-in-lieu of land dedication will be required for the plat, and shall mail such determination to the applicant and the public agencies eligible to receive dedicated sites from the development. The

determination shall also set forth the estimated cash-in-lieu amounts using the Assumed Value Method.

- (b) Unless the applicant notifies the Planning Division of the applicant's decision to accept the valuation determined by the Assumed Value Method (on a form approved by the Planning Division), the applicant shall submit, prior to the scheduling of a Board of County Commissioners hearing, a complying M.A.I. appraisal of the developable portion of the property which is the subject of the final plat application. The appraisal shall state the fair market value of such property assuming that the final plat is approved, and assuming that the school site is improved with the public improvements and water and sewer facilities required for dedicated sites. The appraisal shall otherwise comply with all form and content requirements for appraisals established by the County Attorney's Office, if any.
- (c) Upon receipt of the applicant's appraisal, the Planning Division shall mail copies to the public agencies eligible to receive dedicated sites from the development, and shall notify such agencies that they may submit qualifying appraisals for consideration by the Board. The County shall allow sufficient time for submittal of appraisals prior to scheduling the final plat for Board of County Commissioners hearing.
- (d) Appraisals which comply with the above criteria and which are certified by a M.A.I. appraiser shall be included within the packet of materials for consideration and determination of value by the Board. All appraisals shall be updated as necessary to ensure that the effective date of the valuation determination is current to within six months of the Board of County Commissioners hearing on the final plat.

ii. **ASSUMED VALUE METHOD**

The applicant may waive its right to submit an appraisal, in which case the fair market value shall be determined pursuant to the values set forth in this paragraph.

- (a) For proposed subdivisions located within the boundaries of one or more rural school districts, the land value to be used in the cash-in-lieu formula shall be established at \$20,000 per acre.
- (b) For proposed subdivisions located within the boundaries of one or more suburban school districts, the land value to be used in the cash-in-lieu formula shall be established at \$40,000 per acre.
- (c) These assumed values shall be periodically updated by the Board of County Commissioners, and these regulations amended accordingly, to reflect changing land values and improvement costs.
- (d) In the event an applicant believes that the Assumed Value Method would result in a cash-in-lieu amount greater than the fair market value of the site to be dedicated, the applicant shall have the right, prior to the Board of County Commissioners hearing, to follow the procedures for valuation pursuant to the Appraisal Method outlined above.
- (e) In the event an affected public agency believes that the Assumed Value Method would result in a cash-in-lieu amount less than the fair market value of the site to be dedicated, the agency shall have the right to submit an appraisal meeting the requirements of the Appraisal Method. Upon

receipt of the agency's appraisal, the Planning Division shall mail copies to the applicant and other public agencies eligible to receive dedicated sites from the development, and shall notify such parties that they may submit qualifying appraisals for consideration by the Board. The Planning Division shall establish a reasonable deadline for the submission of agency appraisals to allow sufficient time for submittal of all appraisals prior to scheduling the final plat for Board of County Commissioners hearing.

- (f) Appraisals which comply with the above criteria and which are certified by a M.A.I. appraiser shall be included within the packet of materials for consideration and determination of value by the Board. All appraisals shall be updated as necessary to ensure that the effective date of the valuation determination is current to within six months of the Board of County Commissioners hearing on the final plat. The Board of County Commissioners shall be entitled to determine the correct property value, and shall base its decision upon the evidence presented to it.

#### E. CASH-IN-LIEU OF LAND FORMULA

##### 1. Formula

The following formulae shall be used to calculate the dollar amount of the cash-in-lieu of land dedication required for subdivisions, which create lots for dwelling units.

##### a. Land for Public Schools

- i.  $\text{Number of dwelling units (du) times the number of students generated per du} = \text{total students generated.}$
- ii.  $\text{Total students times } 0.026 \text{ acres/student (suburban) or } 0.0597 \text{ acres/student (rural)} = \text{dedicated acres.}$
- iii.  $\text{Dedicated acres times value of land/acre} = \text{the total number of dollars for cash-in-lieu for public school land.}$

##### b. Land for Public Parks

- i.  $\text{Number of dwelling units (du) times the number of persons generated per du} = \text{total persons generated.}$
- ii.  $\text{Total persons generated divided by } 1,000 = \text{number of persons per } 1000.$
- iii.  $\text{Number of persons per } 1000 \text{ times six acres} = \text{dedicated acres.}$
- iv.  $\text{Dedicated acres times the value of land/acre} = \text{the total number of dollars for cash-in-lieu for public parks.}$

##### c. Land for Other Public Purposes

- i.  $\text{Number of dwelling units (du) times the number of persons generated per du} = \text{total persons generated.}$
- ii.  $\text{Total persons generated divided by } 1,000 = \text{number of persons per } 1000.$
- iii.  $\text{Number of persons per } 1000 \text{ times } 0.25 \text{ acres} = \text{dedicated acres.}$
- iv.  $\text{Dedicated acres times value of land/acre} = \text{the total number of dollars for cash-in-lieu for other public purposes.}$

##### 2. Alternate for Combined Dedication and Payment

As an alternative to the above-noted requirements, the Board of County Commissioners may require a combination of dedication of land and payment of a sum of money, provided that such a combination shall be at a minimum of the amount equivalent to the value of the area calculated to be dedicated.

#### F. PRIVATELY OWNED PARKS

##### 1. Standards to Approve Public Land Dedication Credit

Where parks are provided in a proposed subdivision and are to be privately owned and maintained by the future residents of the subdivision for the mutual use and benefit of said residents, such land area and/or improvements may be credited against the park requirements set forth Section herein, provided the Board of County Commissioners finds that it is in the public interest to do so, and that the following standards are met:

- a. That the private ownership and maintenance of said land area is adequately provided for by written agreement;
- b. That the proposed land area is reasonably adaptable for use for park and recreation purposes. Reasonably adaptable may include but not be limited to, sufficient size, accessibility, location, topography, drainage and soil capacity;
- c. That the facilities proposed for said land areas are in substantial accordance with the provisions of this regulation, and are approved by the Board of County Commissioners. All park improvements shall comply with the Arapahoe County Landscape Regulations.
- d. The Planning Division is permitted to recommend to the Board of County Commissioners adoption of regulations as further guidelines in the analysis of land suitable for dedication.

##### 2. Required Plat and Development Plan Notes

If the Board of County Commissioners approves such private parks the following notes shall be added to the Final Plat and to the Final Development Pan for the subdivision:

- a. The private park site as shown on this plat (plan), shall be maintained in perpetuity by the owner(s), homeowners association, and/or entity other than Arapahoe County.
- b. Building permits will be issued for only one-half of the lots in this subdivision until the park facilities have been installed in accordance with the approved plan.
- c. When a project consists of one lot, the private park shall be installed prior to the certificate of occupancy.

##### 3. Calculation of Public Land Dedication Credit for Privately Owned Parks

If the Board of County Commissioners determines that privately owned park lands are appropriate to receive credit against the requirements of this section, the amount of credit to be allowed shall not exceed 35 percent of the requirement, and additional funds shall be paid to the County, or additional lands shall be dedicated to the County, or additional lands shall be dedicated to the County, or a combination of land and funds shall be provided to the County to fulfill the requirements of this Section based on the needs and recommendations of the affected park district and other affected government entities.

#### G. PAYMENT OF DEDICATION REQUIREMENTS

1. Public lands to be designated for use as school sites shall be negotiated directly between the Owner/Subdivider and the appropriate school district subject to the approval of the Board of County Commissioners. The amount of land to be dedicated for school purposes shall be in compliance with the requirements of these Regulations.
2. For property zoned for residential uses, the evidence shows that the school district can serve the student population expected to be generated from the development. The

Board may deny a subdivision request for which the evidence shows that the school district cannot serve the student population generated from the development.

3. If required by the Board of County Commissioners, land areas to be designated for public land dedication should be determined at the time of the zoning hearing or final plat consideration. If required by the Board of County Commissioners, public land dedication or payment-in-lieu thereof should be given prior to or at the time of Final Platting.
4. Public land dedication will be negotiated by the school district, and, if approved by the Board of County Commissioners, may be provided directly to the school district or to the County. Proof of such dedication or payment shall be provided to the Board of County Commissioners.
5. Public land dedication for public parks shall be negotiated with the park district, and, if approved by the Board of County Commissioners, may be given directly to the County or parks district, as determined by the Board of County Commissioners.

#### H. PUBLIC LAND FUNDS

1. **The Board of County Commissioners shall hold the funds paid to the County until:**
  - a. The acquisition of reasonable sites and land area for parks, fire stations, libraries or other public purposes are determined necessary by the Board of County Commissioners:
  - b. Other capital outlay purposes for parks to serve the proposed subdivision and future residents thereof are determined necessary by the Board of County Commissioners;
  - c. The development of sites and land areas for park purposes or other purposes are determined necessary by the Board of County Commissioners.
2. **Public lands and cash-in-lieu funds shall be requested as follows:**
  - a. Arapahoe County Planning Division, shall give written notice to the appropriate local government entities. After receipt of such a notice, the local government entity (including park districts, fire districts and library districts) may request land or funds, and shall demonstrate in writing a need for land or funds for a use authorized this section. The entity requesting such lands and/or funds shall provide written justification setting forth the amount of land and/or funds sought, the proposed uses of said land and/or funds, and the benefits which the residents and future residents of the subdivision for which the land and/or funds were obtained will receive.
  - b. Requests for land and/or funds shall be made directly to the Arapahoe County Planning Division. The Arapahoe County Planning Division shall review the requests for funds and, on a quarterly basis, present these to the Board of County Commissioners along with the Division's recommendations. In addition, when the request is for land, the Arapahoe County Planning Division shall inform the Applicant whether a "Location and Extent" hearing is necessary, and, if such a hearing is required, no land shall be transferred until approval has been granted after the hearing process.
  - c. The Board of County Commissioners, at its discretion, may vote to allocate some of the lands and/or the funds for the subject project and, if approved, will transfer the land and/or funds to the appropriate local government entity.

## 4-2.6. Rural Site Development Standards and Guidelines

### A. INTRODUCTION

This portion of Chapter 15 of the Arapahoe County Land Development Code contains development standards and guidelines that apply to the Eastern Communities Planning Areas, Rural Town Centers and Rural Areas of Arapahoe County. In addition to compliance with the standards and guidelines stated in this chapter, all land uses are subject to compliance with the zone district specific standards, use-specific regulations, applicable subdivision, and other applicable land-use regulations in the Land Development Code.

### B. RURAL TOWN CENTERS DESIGN STANDARDS AND GUIDELINES

#### 1. Intent

This section's standards and guidelines for the unincorporated Eastern Communities Planning Areas seek to enhance and improve the Sub-Area Planning Areas and Rural Town Center's commercial areas and to encourage new development compatible with and respectful of the existing building scale, existing and historic architecture and form, and "small town" character of these communities.

#### 2. Applicability

- a. This section's general design standards and guidelines shall apply to all new development within the unincorporated Eastern Communities Planning Areas and Rural Town Centers of Strasburg and Byers.
- b. **Conflicting Provisions:** In case of conflict between a specific Rural Town Center Planning Areas design standard and a general community design or general site and building design standard, the more specific Rural Town Center Planning Areas design standard shall control.

#### 3. General Design Standards and Guidelines for the Rural Town Center Planning Areas

##### a. Streets and Connectivity

All new development in the Rural Town Center Planning Areas shall comply with the following standards:

##### i. MAINTAIN TRADITIONAL GRID SYSTEM AND CONNECTIVITY

The alignment of the existing street grid system shall be maintained to the maximum extent feasible. New blocks, lots, and streets shall be organized and aligned to connect new through streets and alleys with adjoining, existing streets and alleys. The County recognizes that street connections may not be feasible where a railroad right-of-way intervenes; however, streets on either side of a railroad track should be aligned to the maximum extent feasible to accommodate future potential railroad crossings or the decommissioning of a line or spur. The current Arapahoe County Transportation Plan should be consulted regarding additional guidance and/ or requirements for streets and rights-of-ways.

##### b. Building Form, Materials, and Architectural Style

All new development in the Eastern Communities should comply with the following standards:

- i. **MAINTAIN PATTERN OF TRADITIONAL BUILDING FORMS**  
New buildings should maintain and reinforce the pattern of traditional building forms and shapes along the street, including established front setback lines on the same block face. Techniques to comply with this standard include:
  - (a) place the new building at a setback line no greater than the average setback on the same block face; or
  - (b) place the building at a setback line no less and no more than the existing setback lines established on the lots immediately abutting the subject lot.
- ii. **RECTANGULAR BUILDINGS**  
Buildings should be generally rectangular in form.
- iii. **ROOF FORM**  
Roof form should be compatible with existing and traditional commercial and residential buildings on the same or adjacent blocks, as applicable.
- iv. **BUILDING MATERIALS**  
Building materials used for all major exterior surfaces should be similar to those employed historically in the Eastern Communities Planning Areas and surrounding neighborhoods. If dissimilar materials are proposed, other characteristics, such as scale and proportions, form, architectural detailing, color and texture, should be used to ensure that enough similarity exists for the new building to be compatible with existing buildings despite the difference in materials.
- v. **ARCHITECTURAL STYLE**  
Buildings' architectural style, including franchise commercial building design, shall be compatible with commercial building design and ornamentation found traditionally in the Rural Town Center Planning Areas.

### C. RURAL TOWN CENTER "MAIN STREET" DESIGN STANDARDS AND GUIDELINES

#### 1. Intent

These standards and guidelines require new development to respect the Eastern Communities' existing "small town" character. Along the Rural Town Center main streets, this character is primarily defined by the following site and building design features: Building fronts and principal entries oriented toward the main street; principal buildings built up to the front property line (i.e., little or no front building setbacks); a high percentage of building lot coverage; no off-street parking spaces between the building front and the abutting main street; typical building heights of one-story and maximum building heights of two stories; larger ground floor display windows; recessed front door entries; covered porches, porticos or arcades; buildings primarily of wood frame construction; and simple and functional building and roof design with little ornamentation.

#### 2. Applicability

These "main street" design standards and guidelines shall apply to all new development within the Rural Town Center portions of Strasburg and Byers and located on the following street segments:

##### a. Strasburg

Colfax Avenue between Piggott Mile Road and Monroe Street;



- b. Byers**
    - i. Front Street between McDonnell Street and Jewell Street;
    - ii. Main Street between U.S. Highway 36 and West Bijou Street; and
    - iii. U.S. Highway 36 between Fetzer Street and Main Street.
- 3. Commercial Alleys Allowed Standard**

Commercial alleys are allowed to permit secondary vehicle access and to allow access to off-street parking located behind buildings. Alleys are especially encouraged when used to maintain the alignment of existing rear or mid-block alleys in adjoining blocks. All commercial alleys shall comply with the following design standards:

  - a.** All commercial alleys shall be designated as private streets on the applicable subdivision plat or site development plan and shall be placed in a tract of common ownership. Arapahoe County shall not be responsible for maintenance of such alleys. The tract owner must demonstrate that perpetual maintenance of the private roadway can be provided for by implementation of a viable maintenance plan. Maintenance plan requirements can be found within the “Arapahoe County Infrastructure Design and Construction Standards” manual.
  - b.** Parking shall not be allowed in the commercial alley ROW. All alleys shall have appropriate signage referring to the parking prohibition, and the property owner or subdivider shall be responsible for enforcement of the parking prohibition.
  - c.** All new principal and accessory buildings shall be set back a minimum of six feet from the edge of the alley right-of-way. This alley setback area shall either be landscaped according to County standards or paved when necessary to provide vehicular access to the subject property.
- 4. Vehicle Access and Off-Street Parking**
  - a. Curb Cuts**

**Guideline:** The County encourages the consolidation of existing curb cuts on Colfax Avenue or Main Street in Strasburg, or on Front Street or Main Street in Byers, as well as the sharing of vehicle access ways wherever possible.
  - b. Location of Off-Street Parking Lots**

**Standard:** Off-street accessory surface parking spaces shall be located to the side, to the rear, or adjacent to a building face that does not front a public street.
  - c. Diagonal On-Street Parking Spaces**

**Standard and Guideline:** Diagonal on-street parking spaces (45-degree or greater angled spaces for head-in parking only) may be provided along the public street frontage of any development parcel, but only if diagonal parking is the traditional, established pattern along the same or adjacent block faces. For purposes of this provision, an “adjacent block face” must be on the same side of the street as the subject property. Note: Colfax Avenue in Strasburg is a state highway – subject to their regulations.
  - d. Bicycle Parking**

**Guideline:** Bicycle parking is encouraged where appropriate, as long as it does not interfere with pedestrian or vehicular traffic.

## 5. Site and Building Design

### a. Building Orientation and Entrances

**a. Standard:** The front façade of all principal buildings shall be oriented toward a public street frontage and shall not face parking lots or alleys. The building's primary entry shall parallel the street, except at corners, where the entry may be angled to emphasize the corner location.

**b. Guideline:** Secondary building entrances may face a rear parking lot, alley, or other streets with sidewalks or walkways.

**c. Standard:** All primary building entrances shall be emphasized at the street through incorporation of a building recess, projection, canopy, or similar design element.

### b. Minimum Percentage of Principal Building Occupying Front Lot Line

#### i. BUILDINGS FRONTING "MAIN STREET"

**Standard:** A minimum of 80 percent of the front lot line along Colfax Avenue or Main Street in Strasburg, or along Front Street or Main Street in Byers, shall be occupied by the front wall of the principal building, or by a low, decorative wall used to screen off-street parking lots, or by a combination of both types of wall.

#### ii. BUILDINGS ON CORNER LOTS

**Standard:** Buildings on corner lots shall comply with the minimum standards stated in subsection 5.b.i above along the front lot line abutting the "main street." A minimum of 60 percent of the side lot line shall be occupied by the side wall of the principal building, or by a low, decorative wall used to screen off-street parking lots, or by a combination of both types of wall.

### c. Large Building Review and Standards

**Standard:** The County should approve a building subject to these design standards and containing 10,000 square feet or more of gross floor area subject to the applicant's compliance with all of the following design standards:

- i. The building mass shall be articulated or subdivided vertically into multiple "modules" to mimic the traditional widths and proportions of individual storefronts and stand-alone commercial buildings found in the Eastern Communities. Techniques to accomplish this design objective include changes in façade material, window design, façade height, or decorative elements.
- ii. Large buildings taller than 20 feet shall be designed so that the massing or façade articulation of the building presents a clear base, middle, and top.
- iii. Pedestrian scaled building or site elements shall be included on or at the ground floor of the building, such as but not limited to: awnings, arcades, transparent display windows, outdoor eating/service areas, or street furniture.

## 6. Outside Uses and Activities

**Standard:** All principal uses shall be conducted and contained within a completely enclosed Structure. Permanent outside storage, display, or sale is prohibited along the Eastern Communities' main streets, except for outside seating and eating areas accessory to a permitted eating and drinking establishment. In addition, seasonal outside displays and sales may be permitted.

7. **Signs for Nonresidential Uses**<sup>403</sup>

**Standards:** The following sign standards for nonresidential uses shall apply in addition to the general sign standards stated in Section 4-1.5, Signs. In case of a conflict, the specific sign standards in this section shall apply and control.

**a. General Design Objective**

Wherever they are used, signs shall be subordinate to the overall character of the area and subordinate to the individual building(s) to which they relate. Historically, commercial signs were often mounted flush on storefronts or projected over the sidewalk. These sign standards are intended to encourage sign types, sizes, and lighting compatible with this earlier tradition of signage.

**b. Types of On-Premises Signs Allowed**

The following types of on-premises signs are allowed:

- ~~i. Fascia signs mounted flush and flat to the building's front elevation in the space above the first floor (top of storefront) and the second finish floor.~~
- ~~ii. Monument signs that are free-standing, ground-mounted signs~~
- ~~iii. Projecting signs, including symbol signs, mounted on the front building elevation along the first floor level of the building near the primary entrance.~~
- ~~iv. Awning signs, including logos or symbols.~~

**c. Prohibited Signs**

- ~~i. Roof-mounted Signs.~~
- ~~ii. Off-premises signs.~~
- ~~iii. Billboards.~~
- ~~iv. Pole signs.~~

**d.h. General Design Standards and Guidelines**

**i. SIGN MATERIALS**

Sign materials should be similar to those used historically in the Eastern Communities' commercial centers. Painted wood and metal are appropriate materials, while plastic and highly reflective materials are not appropriate.

**ii. ILLUMINATION**

If illuminated, the sign shall use an external light source that is placed close to and directed onto the sign, and that is shielded to minimize glare into the street or onto adjacent properties.

**iii. FASCIA (WALL-MOUNTED) SIGNS**

- (a) The size and placement of fascia (wall-mounted) signs should be proportional to the building's architectural elements and should not visually overwhelm or overpower the building. Fascia signs should be positioned to fit within the building's architectural features.
- (b) Fascia signs shall not extend beyond the outer edges of the building front.

**iv. PROJECTING SIGNS**

- (a) Projecting signs shall be mounted at a height no less than eight feet above the sidewalk so that the sign does not interfere with pedestrian movement.

<sup>403</sup> [Subsections on types of signs permitted and prohibited deleted Fall 2023 as not significantly different from what is permitted or prohibited by general sign standards.](#)

(b) The maximum size of an individual projecting sign shall be eight square feet. The sign shall not project further than 2/3 the width of the abutting sidewalk, or six feet, whichever is less.

v. **GROUND-MOUNTED (MONUMENT) SIGNS**

- (a) Monument signs shall be landscaped at their base.
- (b) Monument signs shall be no taller than six feet.

vi. **WINDOW SIGNS**

- (a) Window signs should be painted on glass. The wording and graphics should be simple and concise to enhance the sign’s legibility.
- (b) The maximum area of a window sign(s) shall be 20 percent of the window or eight square feet, whichever is less.

**D. RURAL AREA DESIGN STANDARDS AND GUIDELINES**

**1. Intent**

This section’s standards and guidelines are intended generally to implement the Rural Area policies of the Arapahoe County Comprehensive Plan, and more specifically to protect the open character of eastern Arapahoe County; encourage continued use of these lands for ranching and agricultural activities; conserve Sensitive Development Areas, such as riparian areas, ridgelines, historic sites, and wildlife habitat and corridors; minimize extension of roads and utilities for development and reduce the County’s cost of providing services; and promote compatibility of new development with existing and allowed adjacent land uses.

**2. Applicability**

These Rural Area Design Standards and Guidelines apply to all new development located in the Rural Area of unincorporated Arapahoe County, as defined in Arapahoe County Comprehensive Plan (2018).

**3. Protection of Sensitive Development Areas**

All new development in the Rural Area shall comply with the Sensitive Development Area protection guidelines in the Arapahoe County Comprehensive Plan or to applicable state or federal regulations.

**4. Protection of Agricultural Uses**

**a. Residential Setbacks from Existing Agricultural Uses**

All new residential development in the Rural Area, zoned A-E and A-1, shall comply with the following minimum building setbacks from existing agricultural uses and structures located on adjacent lots, parcels, or tracts:

TABLE 4-2.6.1 MINIMUM RESIDENTIAL BUILDING AND STRUCTURE SETBACK (Applies to Both Principal and Accessory Structures)	
Type of Building/Use	Minimum Setback Required for Residential Building or Structure
From existing pasture, cropland, orchards	100 ft.
From existing barns and livestock buildings, corrals, and pens	100 ft.

**5. New Agricultural Use Setbacks from Existing Residential**

No livestock pens, fenced corrals, or buildings for keeping livestock shall be located closer than 100 feet from dwellings existing on adjacent lots or parcels of lands.

**6. Measurement**

The setbacks required by this subsection shall be measured from the closest exterior wall of the principal residential dwelling to the closest boundary, edge, or fence/wall of the subject agricultural use or structure. Alternately, the setback may be measured from the closest edge of a designated building envelope for the proposed residential dwelling to the closest boundary of boundary, edge, or fence/wall of the subject agricultural use or structure.

**7. Fencing**

**a. Strictest Fence Standard Applies**

In case of overlapping or conflicting fence standards between this section and the Land Development Code, the strictest fence standard shall apply.

**b. General Rural Area Fence Standards**

- i. Fencing should be avoided except as needed for wildlife corridors, domestic animal control, fencing out livestock or livestock containment.
- ii. When fencing is proposed, it shall conform to the topography and shall be of a color and materials that blend with the surrounding natural environment.
  - (a) For general fencing purposes, the County strongly encourages fence types typical of the agricultural fences historically used in the Rural Area, including two-, three-, or four-strand wire fences; post and pole fences; post, pole and wire fences; and buck and pole fences.
  - (b) Wire mesh (e.g., chain link) and picket-style open fences are generally discouraged.

**c. Property Line Fencing Adjacent to Sensitive Development Areas and Conservation Areas**

To the extent that it is possible, property lines adjacent to a Sensitive Development Area or to a Conservation Area should remain unfenced to preserve the open character of the Rural Area.

**d. Residential Privacy Fencing**

Privacy fencing and other solid and restricted access fencing shall be restricted to the immediate area surrounding the principal residential structure and shall not be used as a method to designate the outer boundaries of the property. Where building envelopes are designated on an approved subdivision plat, privacy fencing is permitted only within the building envelope.

**e. Fencing in Wildlife Habitat**

- i. Fencing in a critical wildlife habitat area as defined by Colorado State Division of Wildlife shall not exceed 42 inches in height, except to the extent that staff approves higher fencing to confine permitted domestic animals.
- ii. Fence types and elements are encouraged to comply with the Colorado Division of Parks and Wildlife's (CPW) fencing recommendations. If CPW does not recommend specific fence standards during its review, the applicant is encouraged to incorporate the fencing guidelines and standards recommended for the applicable species in the Division's manual, Fencing with Wildlife in Mind, as amended from time to time.

**f. Fencing Adjacent to Agricultural Uses**

Fences may be constructed to separate new residential development from adjoining agricultural lands and uses. Fences shall be designed on a site-specific basis to minimize impacts to ongoing agricultural operations. All fence wire on barbed wire and combination fences shall be placed on the side of the fence that faces the livestock.

**E. RURAL ENGINEERING STANDARDS**

Rural Engineering Standards for Arapahoe County, contained within a stand -alone document, are adopted within the Land Development Code by reference and apply to the A-1 Agricultural and A-E Agricultural Estate Zone Districts as determined by the Public Works and Development Department. A portion of the Rural Engineering Standards included as Appendix R of the Residential Building Code for Arapahoe County also apply to these zone districts.

**F. NEW COMMUNITIES DESIGN STANDARDS AND GUIDELINES**

**1. Intent**

This section is intended to provide flexibility for design standards and guidelines for new communities, as defined by the “Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations)”.

**2. Applicability**

These New Communities Design Standards and Guidelines apply to all New Communities’ development, that does not intend to follow the design standards and guidelines contained in this section and that are located in the Urban Reserve or Planning Reserve Areas of unincorporated Arapahoe County, as defined in Arapahoe County Comprehensive Plan and Sub-area Plans.

**3. Design Standards and Guidelines for New Communities**

New communities that are developed in the Planning Reserve Areas of unincorporated Arapahoe County have two choices related to design standards and guidelines.

- a. Comply with Eastern Communities Planning Areas, Rural Town Center, and Rural Area design standards and guidelines in this section.
- b. Create design standards and guidelines for the new community that incorporate conceptual design standards and guidelines that are contained in this chapter. The proposed standards and guidelines would need to be approved as part of the 1041 Permit by the Board of County Commissioners.

**4-2.7. Rural Cluster Options in A-E and A-1 Zone Districts**

**A. A-1 AND A-E DISTRICTS**

**1. Applicability and Related Provisions**

- a. A Rural Cluster Option is available within the Rural Area in the A-1 Zone District and portions of the A-E Zone District consistent with the purpose and intent and general requirements stated in this Section 4-2.7.
- b. An applicant for the Rural Cluster Option should refer to Section 4-2.7.B for applicable provisions addressing:
  - i. Applicability of the rural cluster option within the Rural Areas zoned A-1 and A-E;
  - ii. Cluster subdivision review procedures;

- iii. Standards regarding the minimum amount of conservation area set-aside;
- iv. Standards regarding the design of the residential cluster and conservation area components of a rural cluster subdivision;
- v. Standards regarding utility and infrastructure requirements; and
- vi. Standards regarding ownership and maintenance of the conservation area(s).

## 2. Components of a Rural Cluster Development

A cluster subdivision is comprised of two components: 1) the residential cluster and 2) the conservation area. The residential cluster is the portion of the development parcel that is subdivided into lots for single-family residential and accessory uses. The conservation area is the larger portion of the development parcel that is platted as a tract(s) and permanently preserved for agricultural or open space uses.

## 3. Residential Cluster Standards

### a. Allowed Uses on Residential Cluster Lots

#### i. RESIDENTIAL CLUSTER LOTS OTHER THAN CONSERVANCY LOTS

Notwithstanding the uses allowed in Chapter 3: of this LDC, allowed uses shall be limited to one principal single-family dwelling unit, one mother-in-law apartment/dwelling unit attached to the principal dwelling structure, plus the following residential accessory uses:

- (a) Home occupation.
- (b) Shelter for agricultural implements and tools used to maintain premises.
- (c) Keeping of not more than one agricultural animal (e.g., horses, cattle, llamas, goats, chickens) per one gross acre.
- (d) Private stables to keep permitted animals, provided the stable is located on the rear half of the lot and no closer than 25 feet to a lot line and 50 feet to any dwelling unit.
- (e) Greenhouse, provided products are used for consumption by residents only.
- (f) Keeping of not more than four domestic pets (e.g., dogs, cats, birds, small animals, reptiles), not including any exotic animals, and provided such pets are customarily kept in homes and are customarily purchased at local pet stores for the sole pleasure and enjoyment of the occupants.

#### ii. ACCESSORY BUILDINGS

Notwithstanding the uses allowed in Chapter 3 of this LDC, allowed accessory buildings shall be limited to:

- (a) Maximum Number In addition to one detached garage, the maximum number of accessory buildings greater than 120 square feet in area shall be two. In addition, the maximum number of accessory buildings of 120 square feet or less shall be three.
- (b) Maximum Size: The maximum size of an accessory building greater than 120 square feet shall be 800 square feet.
- (c) Maximum Height of Accessory Buildings: Other than agricultural silos, the maximum height of accessory buildings shall be a maximum of 20 feet.
- (d) Minimum Accessory Building Setbacks: All accessory buildings shall comply with the IBC minimum setback from the principal dwelling structure, and shall be a minimum of 50 feet from all lot property lines.

**iii. CONSERVANCY LOTS**

Notwithstanding the uses allowed in Chapter 4 of this LDC, allowed uses on the non-restricted portion of the conservancy lot shall be the same as for other residential cluster lots, as stated in subsection 4-2.7.A.3.a.i above. On the restricted, conserved portion of the conservancy lot, uses shall be limited to those allowed in subsection 4-2.7.A.4.a, "Allowed Uses and Activities in Conservation Areas," below.

**b. Maximum Gross Density Under Rural Cluster Option**

The maximum gross density permitted under the rural cluster option shall be measured using the gross land area (in acres) of the entire parcel that is the subject of the cluster subdivision application (i.e., including land set aside in tracts as the conservation areas).

- i. In the A-E Zoning District: Gross density not to exceed 2.25 dwelling units per 35 acres is permitted. This represents a 125 percent increase over gross density typically permitted in the A-E zoning district.
- ii. In the A-1 Zoning District: Gross density not to exceed 1.75 dwelling units per 19 acres is permitted. This represents a 75 percent increase over gross density typically permitted in the A-1 zoning district.
- iii. Calculations: Where the total number of dwelling units calculated results in a fractional number, the applicant shall round to the nearest whole number.

**c. Discretionary Density Bonuses**

**i. BONUSES ARE DISCRETIONARY**

At the discretion of the Board of County Commissioners, the applicant may earn density bonuses in addition to the maximum gross density permitted under the rural cluster option in Maximum Gross Density Under Rural Cluster Option 4-2.7.A.3.b, above.

**ii. BONUSES ARE CUMULATIVE**

The applicant may seek application of more than one bonus density provision below, and the total bonus density earned shall be cumulative. However, in no case shall the total density earned through these bonus provisions be increased above the maximum gross density allowed in Section 4-2.7.A.3.b, above, by more than 100 percent for the A-E district and by more than 50 percent for the A-1 district.

**iii. FLEXIBILITY TO ACCOMMODATE BONUS DENSITY**

- (a) The Board shall have the authority to vary the minimum lot size and the minimum amount of conservation area required by this section and Section 4-2.4, Land Division Standards, in order to accommodate the additional lots earned through these bonus density provisions and/or to bolster the economics of central water/sewer systems.
- (b) However, in no case shall the Board reduce the minimum lot size to less than one and one half acres, or reduce the percentage conservation area requirement to less than 60 percent.
- (c) Notwithstanding this provision, cluster lots served by both an onsite wastewater system and an on-lot water well shall be a minimum of 2.5 acres.



(d) Prior to any Board action under this provision to reduce the lot size for cluster lots served by an on-lot septic system, the county shall request the Tri-County Health Department to provide an opinion regarding the proposed reduction.

**iv. NO GUARANTEE OF DENSITY**

This subsection shall not be interpreted as a guarantee of achievable density. Cluster developments using bonus density provisions shall be subject to all other applicable regulations of Section 4-1 of this LDC. Other regulations or site specific conditions may prevent maximum bonus density levels from being achieved.

**v. 20 PERCENT BONUS FOR PROVIDING CENTRAL (COMMUNITY) WATER**

The County may grant up to a 20 percent increase in the permitted maximum gross density for providing a central (community) water system to serve the residential cluster lots.

**vi. 20 PERCENT BONUS FOR PROVIDING CENTRAL (COMMUNITY) SEWER**

The County may grant up to a 20 percent increase in the permitted maximum gross density for providing a central (community) sewer system to serve the residential cluster lots.

**vii. 20 PERCENT BONUS FOR FIRE SAFETY PROTECTION**

The County may grant up to a 20 percent increase in the permitted maximum gross density for provision of sprinkler systems for fire protection in each approved residential dwelling unit. To be eligible for this bonus, such systems must be approved by the County and the fire district with jurisdiction over the rural cluster subdivision.

**viii. 10 PERCENT BONUS FOR PUBLIC TRAIL DEDICATIONS**

The County may grant a 10 percent increase in the permitted maximum gross density for the development and dedication of public trails, subject to the following conditions:

- (a) The trail shall be located east of Manila Mile Road and outside the boundaries of the Urban Drainage and Flood Control District;
- (b) The trail shall be located adjacent to riparian corridors and consistent with the Comprehensive Plan, as amended, or consistent with any trails/open space plan as adopted and amended; and
- (c) All trails shall be developed in accordance with applicable county construction standards and specifications, and shall provide for convenient public access.

**d. Cluster Lot Size/Lot Dimensions/Building Height**

**i. CLUSTER LOT SIZE**

The minimum lot area requirements set forth in Chapter 4 of this LDC for the A-E and A-1 districts, respectively, shall not apply to lots within a residential cluster. Instead, lots within a residential cluster shall comply with the following requirements:

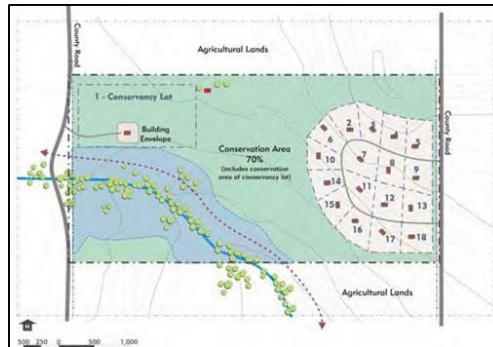
- (a) Residential lots in a rural cluster subdivision in the A-E or A-1 Zoning Districts shall be:

- (i) A minimum size of two and one half acres.
- (ii) A maximum size of 10 acres, except for conservancy lots (below).
- (b) Conservancy Lots
  - (i) At the applicant’s option, a residential lot in a rural cluster may exceed the maximum 10 acres if it is developed as a conservancy lot, according to the following standards. A conservancy lot is a buildable cluster lot, a significant portion of which is deed-restricted for conservation purposes. Typically, a conservancy lot is privately owned, and remains under the control of the individual lot owner.
  - (ii) Conservancy lot shall be a minimum of 20 acres in size.
  - (iii) A conservancy lot may be a flag lot.
  - (iv) A minimum of 90 percent of the conservancy lot shall be protected from future development in perpetuity by a conservation easement or other deed restriction acceptable to the County. The total area of the conserved portion of the conservancy lot shall be credited toward the minimum conservation area required in Section 4-2.4 of this LDC.
  - (v) A maximum of one single-family detached residential unit, plus related accessory uses, may be developed on a conservancy lot, but not within the portion reserved for conservation purposes. Please see Section 4-2.7.A.3 regarding permitted principal and accessory uses within residential clusters.
  - (vi) The conserved portion of the conservancy lot may be used only as permitted by subsection 4-2.7.A.4.a, “Allowed Uses and Activities in Conservation Areas”.

Figure 4-2.7-1: Example of Rural Cluster Option Incorporating One Conservancy Lot

**ii. MAXIMUM BUILDING HEIGHT AND MINIMUM CLUSTER LOT DIMENSION REQUIREMENTS**

The maximum building height, minimum lot width, and minimum yard requirements set forth in Chapter 4 for the A-E and A-1 districts, respectively, shall not apply to development on lots within a residential cluster. Instead lots and structures in a residential cluster shall comply with the following standards:



**TABLE 4-2.7.1 DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL CLUSTERS**  
 Height (Maximum)

TABLE 4-2.7.1 DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL CLUSTERS	
Building Height	35 feet
Accessory Building Height	20 feet
<b>Lot Width (Minimum)</b>	
Lot Width	100 feet (except for flag lots permitted according Section 4-2.4 of this LDC)
<b>Setbacks, Principal Structure (Minimum)</b>	
Front Yard	50 feet
Side Yard	25 feet
Rear Yard	
<b>Setbacks, Accessory Structure (Minimum)</b>	
Front Yard	Front building line of principal structure
Side Yard	50 feet
Rear Yard	

**iii. MINIMUM SETBACKS FOR RESIDENTIAL AND AGRICULTURAL USES**

(a) Minimum Setbacks from Agriculture Uses—New Residential Development: Principal residential dwellings shall be constructed consistent with the following minimum setbacks from existing agricultural uses and structures located on adjacent lots, parcels, or tracts (including agriculture uses in the conservation area):

- (i) Pasture, cropland, orchards: 200 feet.
- (ii) Barns and livestock buildings/corrals/pens: 300 feet.

(b) Minimum Setbacks from Residential Uses—New Agricultural Operations: No livestock pens, fenced corrals, or buildings for keeping livestock shall be located nearer than 200 feet from dwellings existing on adjacent lots or parcels of lands.

(c) Minimum Setbacks—Measurement: The setbacks required by this subsection shall be measured from the closest exterior wall of the principal residential dwelling to the closest boundary, edge, or fence/wall of the subject agricultural use or structure. Alternately, the setback may be measured from the closest edge of a designated building envelope for the proposed residential dwelling to the closest boundary of boundary, edge, or fence/wall of the subject agricultural use or structure.

**e. Fencing Standards**

**i. STRICTEST FENCE STANDARD APPLIES**

In case of overlapping or conflicting fence standards in this section or in this Land Development Code, the strictest fence standard shall apply.

**ii. GENERAL FENCE STANDARDS**

(a) Fencing should be avoided except as needed for wildlife corridors, domestic animal control, or livestock containment.

- (b) When fencing is proposed, it shall conform to the topography and shall be of a color and materials that blend with the surrounding natural environment.

**iii. PROPERTY LINE FENCING ADJACENT TO CONSERVATION AREAS**

- (a) To the maximum extent possible, property lines adjacent to a conservation area should remain unfenced to preserve the open character of the Rural Area.
- (b) The property owner may erect fences no higher than 42 inches on a property line bordering a conservation area. Such fences shall be limited to open, non-opaque fence materials (at least 50 percent open), except that wire mesh (e.g., chain link) and picket-style open fences are prohibited. For general fencing purposes, the County strongly encourages fence types typical of the agricultural fences historically used in the Rural Area, including two-, three-, or four-strand wire fences; post and pole fences; post, pole and wire fences; and buck and pole fences.

**iv. RESIDENTIAL PRIVACY FENCING**

Privacy fencing and other solid and restricted access fencing shall be restricted to the immediate area surrounding the principal residential structure and shall not be used as a method to designate the outer boundaries of the property. Where building envelopes are designated on the Cluster Subdivision Plat, privacy fencing is permitted only within the building envelope.

**v. FENCING IN WILDLIFE HABITAT**

- (a) Fencing in a critical wildlife habitat area shall not exceed 42 inches in height, except to the extent that staff approves higher fencing to confine permitted domestic animals.
- (b) Specific fence types and elements shall comply with the Colorado Division of Wildlife's specific fencing recommendations for the subject application. If CDOW does not recommend specific fence standards during its review, the applicant shall comply with the fencing guidelines and standards recommended for the applicable species in the Division's manual, Fences with Wildlife In Mind, as amended from time to time.

**vi. FENCING ADJACENT TO AGRICULTURAL USES**

- (a) Site-Specific Design  
Fences may be constructed to separate new residential development from adjoining agricultural lands and uses. Fences shall be designed on a site-specific basis to minimize impacts to ongoing agricultural operations. All fence wire on barbed wire and combination fences shall be placed on the side of the fence that faces the livestock.
- (b) Written Agreements  
The applicant shall include language, approved by the County, in protective covenants and on the recorded Cluster Subdivision Plat putting cluster lot owners on notice that maintenance of any fence for the purposes of fencing out livestock is the responsibility of the lot owner or the homeowners' association. Such agreements shall include a process for notifying owners adjacent to agricultural operations that Colorado has adopted statutory requirements for "fencing out" livestock. Those agreements shall place

responsibility for fence maintenance on the developer, the appropriate association, or individual lot owner so long as the agricultural operation continues.

(c) Existing Agricultural Access

Fencing shall not in any way interfere with the operation or maintenance of any existing or historic agricultural access, including to historic ditches.

#### 4. Conservation Area Standards

##### a. Allowed Uses and Activities in Conservation Area(s)

Notwithstanding the uses allowed in Chapter 4 of this LDC, the following uses and activities are the only uses allowed in the conservation area(s):

- i. Passive open space and trails
- ii. Agricultural or ranch uses, subject to the following conditions:
  - (a) Limits on Types of Agricultural Uses Allowed. Agricultural or ranch uses shall be specifically limited to the following types only:
    - (i) The production, cultivation, growing, and harvesting of plant crops, but not including silviculture (forestry).
    - (ii) The raising and/or the breeding of livestock, including horses, dairy and beef cattle, sheep, goats, fur-bearing animals, poultry, and swine, but not including confined animal feeding operations (CAFO). Animal grazing shall be prohibited: 1) within 100 feet of the bank of a perennial stream corridor; 2) within 100 feet of delineated wetlands; and 3) within critical wildlife habitat identified by the County. In addition, the number of livestock that may be raised or kept within the conservation area shall be limited, as follows:
      - a. Large Animal Livestock (horses, cows, cattle, bison, elk, and similar-sized livestock of breeding age with similar waste impacts): one animal per 20 acres.
      - b. All Other Livestock (chickens, emus, llamas, alpaca, deer, geese, goats, ostrich, miniature horses, sheep, swine, and similar-sized livestock of breeding age with similar waste impacts): one animal per five acres.
      - c. The County may approve requests to keep, raise, or breed a greater amount of livestock than allowed by-right herein through the Special Exception Use process stated in Chapter 5 of this LDC. The County shall refer the special exception use application to the National Resource Conservation District (NRCD) for review, and its final decision shall be consistent with the NRCD's recommendation.
    - (iii) The production of nursery products and sod.
    - (iv) The harvesting, storage, packaging, processing, distribution, and sale or trade of such commodities where such activities occur at the point of production.
  - (b) Agriculture Support and Related Uses Not Allowed. The agricultural and ranch uses specified above shall not include the uses, structures, and retail services normally associated with agriculture-related or agriculture-support uses such as, but not limited to: Mill feed and farm supply centers, kennels, veterinary hospitals, farm equipment and machinery sales or repairs, the commercial slaughter of animals, commercial riding stables, retail sales of

- farm goods/products not produced on the same property as where the point of sale occurs, and similar uses as the Planning Division Manager may determine.
- iii. Private stables to keep animals permitted on either the conservation area lands or on residential cluster lots.
  - iv. Private barns, sheds, and similar agricultural accessory structures to store equipment necessary to support an active agricultural use of the conservation area.
  - v. Conservation and restoration of natural areas, including but not limited to riparian corridors and wildlife habitat.
  - vi. Historic structures that are more than 50 years old. G. Archaeological sites.
  - vii. Perimeter fences, provided such fences comply with the fencing standards stated in this Land Development Code. Opaque, privacy-type perimeter fences and walls are prohibited.
  - viii. Minor utilities and driveways, subject to criteria set forth in this Land Development Code
  - ix. "Utility and Infrastructure Requirements," and limited to the following:
    - (a) Easements and improvements for stormwater drainage;
    - (b) Common or shared driveway used to connect a County access road with the residential cluster(s);
    - (c) Central sewer systems in accordance with all applicable federal, state, DRCOG, and Tri-County Health Department standards and specifications and subject to Location and Extent review under this Chapter as applicable; and
    - (d) Central water supply systems in accordance with all applicable federal and state standards and specifications and subject to Location and Extent review under this Chapter as applicable.

## B. RURAL CLUSTER OPTIONS

Figure 4-2.7-2 (Below): Hypothetical 320 Acre Parcel in A-E Zoning District with a stream and ridgeline

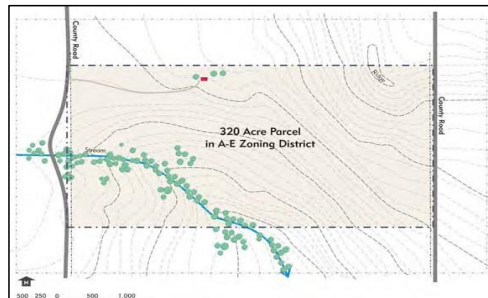


Figure 4-2.7-3 (Below) Without the Rural Cluster Option, applicant would be eligible for nine (9) 5-acre parcels on this 320 Acre Parcel

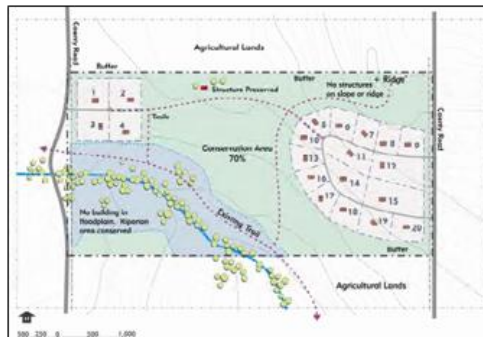
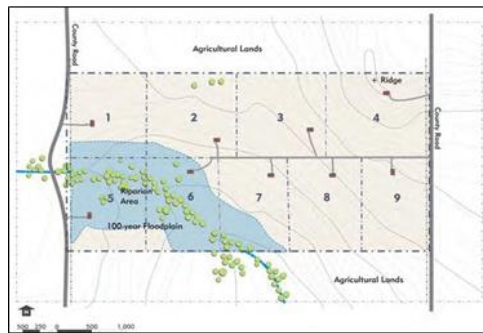


Figure 4-2.7-4 (Above): The Rural Cluster Option allows the applicant to locate 20 lots on the site and to conserve 70 percent of the parcel as open lands. Natural and man-made features, such as the stream corridor and ridgeline, are undisturbed.

**1. Purpose and Intent**

- a. The rural cluster option implements the Comprehensive Plan and allows residential development in agricultural zone districts within the Rural Area to be sited creatively to maintain the rural open character and agricultural viability of Arapahoe County's Rural lands. This option permits single-family residential development on parcels of 70 acres or more to be clustered on lots smaller than otherwise permitted

by the Arapahoe County Land Development Code. The option requires a portion of the property be set aside as an open “conservation area,” with a limited range of allowed uses and activities. The rural cluster option provides incentives for landowners to choose cluster developments as an alternative to large-lot conventional subdivisions and dispersed development on 35-acre and larger parcels. The County does not intend to allow rural cluster developments solely as a tool for gaining greater densities in the Rural Area; instead, the County intends any additional density allowed under this option as quid pro quo for the permanent conservation of valuable natural, cultural and agricultural resources and lands.

- b. More specifically, the purpose and intent of the rural cluster option is to:
  - i. Implement the Rural Area policies of the Arapahoe County Comprehensive Plan;
  - ii. Protect the open character of eastern Arapahoe County’s agricultural districts;
  - iii. Encourage continued use of these lands for ranching and agricultural activities, especially prime farm lands;
  - iv. Conserve Sensitive Development Areas, such as rivers, streams, floodplains, riparian areas, wetlands, view sheds ecological resources, steep slopes and ridgelines, historic and archaeological sites, and wildlife habitat and corridors;
  - v. Allow a diversity of lot sizes to accommodate a variety of residential preferences;
  - vi. Minimize extension of roads and utilities for development and reduce the County’s cost of providing services; and
  - vii. Promote compatibility of new cluster development with existing and allowed adjacent land uses.

## 2. General Requirements

### a. Applicable Districts

Property shall be located within one of the following areas to be eligible for the rural cluster option:

- i. A-E (Agricultural) Zoning district, west of Deer Trail
  - ii. Eligible property shall be located in the Rural Area and zoned “A-E”, provided the property is located west of the Town of Deer Trail and west of Price Road; as shown in Figure 4-2.7-5 below.
  - iii. A-1 (Agricultural) Zoning district
  - iv. Eligible property shall be located in the Rural Area and zoned “A-1”, as shown in Figure 4-2.7-5 below.
-



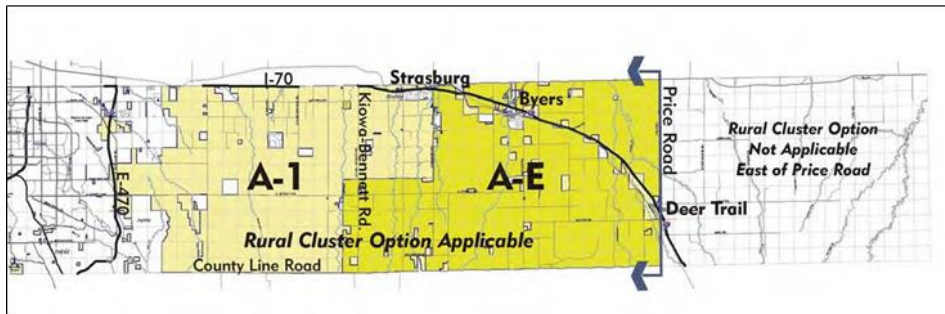


Figure 4-2.7-5: Applicability of Rural Cluster Option

**b. Minimum Land Area—70 Acres**

The application for the rural cluster option must involve a single parcel of eligible land under common ownership and at least 70 acres in total area or, alternately, two or more contiguous parcels of eligible land under different ownerships and with an aggregate size of at least 70 acres.

**c. Allowed Uses – General**

The proposed uses of the subject parcel under this rural cluster option shall be limited to single-family detached residences, agricultural uses and activities, passive open space or recreation, as further described in Section 4-2.7.A, Rural Cluster Option, of this LDC.

**d. Paved County Road Access Required**

All applications for the Rural Cluster option must have primary access from a paved County road across the full frontage of the proposed subdivision. The County road must be paved to the County construction standards.

**3. Residential Cluster Development And Conservation Area Requirements**

**a. Components of a Cluster Subdivision**

A cluster subdivision has two components: 1) the residential cluster and 2) the conservation area. The residential cluster is the portion of the development parcel that is subdivided into lots for single-family residential and accessory uses. The conservation area is the larger portion of the development parcel that is platted as a tract(s) and permanently preserved for agricultural or open space uses.

**b. Summary of General Development Standards**

Table 4-2.7.2 presents a summary of the general requirements under the rural cluster option. The applicant shall refer to Section 4-2.7.A, Rural Cluster Option, of this LDC for all applicable standards related to permitted density, allowed uses, lot size and dimensions, and building height.

**Table 4-2.7.2 SUMMARY of GENERAL REQUIREMENTS for the RURAL CLUSTER OPTION**

Agricultural Zoning District	Minimum Land Area	Maximum Gross Density Under Rural Cluster Option	Number of Lots per Cluster	Lot Size	Minimum Conservation Area (% of Total Gross Land Area of Development Parcel)
A-E	70 acres	2.25 dwelling units per 35 acres (125% increase)	Maximum: 20 lots.	Minimum: 2.5 acres Maximum: 10 acres, except for conservancy lots	70%
A-1	70 acres	1.75 dwelling units per 19 acres (75% increase)	Maximum: 20-70 lots.	Minimum: 2.5 acres Maximum: 10 acres, except for conservancy lots	60-70%

**c. Standards for Residential Clusters**

**i. MAXIMUM DENSITY AND BONUS DENSITY PROVISIONS**

The maximum permitted densities, and density bonus provisions, for rural cluster subdivisions in the A-E and A-1 Zone Districts are stated in Section 4-2.7.A, Rural Cluster Option, of this LDC.

**ii. LOCATION AND SIZE OF RESIDENTIAL CLUSTERS**

Residential lots within a cluster subdivision shall be located in one or more residential clusters, which shall comply with the following standards.

**(a) General Site Design Standard**

In general, the layout of residential clusters shall promote the rural character of the zone district, avoid the creation of new rural towns or villages, support the viability of existing agricultural activities on or adjacent to the site, and protect significant natural, historic, or cultural resources on or adjacent to the site, as applicable.

**(b) Siting Criteria for Residential Cluster(s)**

The applicant shall site the residential cluster(s) according to the following criteria. The cluster(s) shall be sited to:

- (i) Avoid Sensitive Development Areas, and other significant natural or man-made features, as described in Section 4-2.7.B.3.d.iii, "Delineation of Conservation Areas," below;
- (ii) Preserve the open sky backdrop above any ridgelines, as viewed from Interstate 70 or from adjacent county roads;
- (iii) To the maximum extent feasible, preserve significant views of the rural, open character of the district, as viewed from Interstate 70 or from adjacent county roads;
- (iv) Avoid interference with existing or viable agricultural operations and activities;
- (v) Provide a minimum separation from existing rural development (one unit per 35 acres or less density) on adjacent properties by maintaining

- a minimum 100-foot setback from the adjacent rural property's boundaries; and
- (vi) Provide contiguity of open space and conservation area(s).
- (c) Siting of Multiple Residential Clusters
  - (i) *Minimum Separation Required*
    - a. To avoid the creation of rural towns or villages and to maintain the open, rural character of the zone district, multiple residential clusters shall be non-contiguous except as the County may allow according to this subsection.
    - b. If the total land area within the cluster subdivision is more than 320 acres, a residential cluster shall be separated from all other residential clusters by at least 1,320 feet.
    - c. If the total land area within the cluster subdivision is 320 acres or less, a residential cluster shall be separated from all other residential clusters by at least 600 feet.
    - d. Separation of multiple residential clusters is required regardless whether the clusters are located within the same cluster subdivision or in a different cluster subdivision.
    - e. For purposes of this subsection, separation between residential clusters shall be measured as the shortest linear distance between the two closest building envelopes designated for principal residential dwellings located in the different residential clusters, or if building envelopes are not shown on the Final Site Analysis Map, then the shortest distance between the two closest points of the boundary for each cluster.
  - (ii) *Exception to Minimum Separation Requirement*

The Planning Manager may reduce the minimum separation requirement in this subsection (iii) if he or she finds that the smaller separation satisfies the general and specific site design standard and criteria in subsections (a) and (b) above, and that either:

    - a. The overall site design takes advantage of the site's natural topography to hide multiple residential clusters from each other's view and from the public's view as seen from Interstate 70 or from county roads; or
    - b. The smaller separation is necessary to accommodate conservation of Sensitive Development Areas, such as riparian corridors; or
    - c. The smaller separation is necessary and desirable to better preserve the contiguity of on-site and off-site conservation areas; or
    - d. The smaller separation is necessary and desirable to enable ongoing operations of agricultural activities in the vicinity of the clusters. In no case shall the separation between clusters be less than 200 feet.
- (d) Number of Cluster Lots per Residential Cluster

Within a cluster subdivision, lots are typically organized into one or more clusters or groupings of lots. For example, the hypothetical cluster subdivision illustrated in Figure 4-2.7-6, below, depicts two separate clusters of lots. The following standards govern how large a single cluster may be,

keeping in mind the county’s general goals to maintain a rural, open character and avoid the de facto creation of new rural towns.

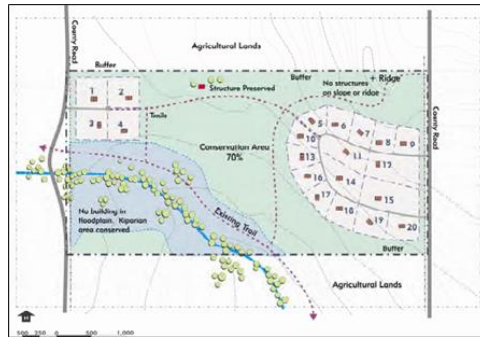


Figure 4-2.7-6: Final Site Analysis Map that shows the proposed residential clusters, tracts containing the proposed conservation areas, and critical natural and man-made features identified on the preliminary site analysis map.

- (e) General Rule
  - Within a cluster subdivision, the maximum number of lots allowed in a single residential cluster shall be 20 lots, except as specifically allowed in the A-1 Zone District in subsection (f) below.
- (f) Allowance for Larger Clusters in the A-1 Zone District
  - Where the applicant can evidence all of the following conditions, the County may approve an increase in the size of a single residential cluster in the A-1 Zone District only, as shown in Table 4-2.7.3 below.
    - (i) The property is located entirely within an A-1 zone district;
    - (ii) The property is located within the distance specified in Table 4-2.7.3 from either the Urban Service Area boundary shown in the Comprehensive Plan, or from a mapped Urban Growth Boundary adopted for the Towns of Bennett, Strasburg, Byers, or Watkins. This distance shall be measured as the shortest horizontal distance (plan view) between any part of the project site’s boundary to the closest boundary line of the Urban Services Area or Urban Growth Boundary;
    - (iii) The applicant will install a community water or sewer system to serve all or a portion of the cluster subdivision, and the increase in cluster size is necessary to support the economic feasibility of such installation; and
    - (iv) The County finds that the cluster subdivision meets the general site design and siting criteria stated in subsections (i) and (ii) above.

TABLE 4-2.7.3 FACTORS FOR INCREASING RESIDENTIAL CLUSTER SIZE IN THE A-1 ZONE DISTRICT	
Maximum Distance from Urban Area Boundary or Designated Growth Area Boundary	Maximum Number of Lots per Single Cluster
3 miles	70
5 miles	50
10 miles	30

(g) Cluster Lot Size/Lot Dimensions/Building Height

The minimum lot area and building height requirements set forth in Section 4-1.1.A of this LDC for the A-E and A-1 districts, respectively, shall not apply to lots within a residential cluster. Please refer to Section 4-2.7.A, Rural Cluster Option, for applicable cluster lot sizes, lot dimension, and building height requirements.

iii. **FLAG LOTS**

Flag lots are permitted within a rural cluster subdivision, subject to the following standards:

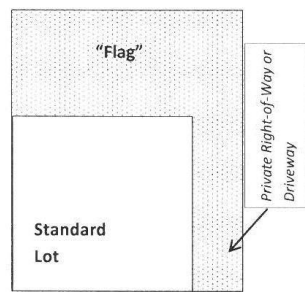


Figure: 4-2.7.7: Flag Lot

(a) Maximum Size

Flag lots shall be a maximum of 10 acres in size, except that larger conservancy lots in a cluster subdivision may be flag lots. The "flag pole" part of the lot when less than the minimum required frontage or lot width is not included in the calculation of minimum lot area.

(b) Minimum Street Frontage/Flagpole Width

Each flag lot shall have at least 32 feet of street frontage and at least 32 feet of width for the entire length of the "flag pole" portion of the lot.

(c) Limit on Number and Contiguity

A maximum of one flag lot is allowed in cluster subdivisions containing four or less cluster lots. No more than 20 percent of the cluster lots in a cluster subdivision of five or more lots may be flag lots. No more than two flag lots sharing a single access may be contiguous.

(d) Prohibition on Future Subdivision

A flag lot shall not be further subdivided into additional lots. This prohibition on future subdivision shall be included as a note on the recorded Cluster Subdivision Plat.

iv. **ALLOWED USES ON RESIDENTIAL CLUSTER LOTS**

Please refer to Section 4-2.7.A, Rural Cluster Option, in this LDC for applicable standards addressing principal and accessory uses allowed on residential cluster lots.

**d. Conservation Area(s)**

**i. MINIMUM PERCENTAGE—CONSERVATION AREA(S)**

- (a) Except as specifically allowed by this Section, the minimum percentage of the cluster development parcel's total gross land area that shall be set aside as conservation area(s) is 70 percent. All conservation areas shall be contained within tracts and clearly delineated on the Cluster Subdivision Plat. The area, intended use, and final ownership of all conservation area tracts shall be shown on the plat.
- (b) The county may reduce the amount of conservation area preserved to no less than 60 percent when the applicant submits an exceptional subdivision design that meets all the design and siting criteria required by this Section 4-2.7.B.3, and complies with the following criteria:
  - (i) The Cluster Subdivision Plat delineates individual building envelopes within each cluster lot;
  - (ii) To the maximum extent possible, the lots and building envelopes are arranged within each individual cluster so that open, unfenced, private yards on each lot are adjacent and contiguous to each other; and
  - (iii) The county finds that the exceptional site design and use of private yards as a surrogate for set-aside conservation area furthers the open space and rural preservation goals and intent stated in Section 4-2.7.A.4 and mitigates the reduction in the amount of conservation area.

**ii. CREDIT FOR PUBLIC PARK LAND DEDICATION**

Lands set aside and permanently preserved as conservation area(s) under this Section 4-2.7.B.3.d shall be credited 100 percent toward the dedication requirement for public parks required in Section 4-2.5, Land Dedication Standards.

**iii. DELINEATION OF CONSERVATION AREA(S)**

The required percentage of conservation area on the site shall consist of, in order of priority:

- (a) Sensitive Development Areas, in order of priority:
  - (i) Riparian areas, as identified on the Arapahoe County Resource Composite Map, which is incorporated by reference herein.
  - (ii) 100-year floodplains, as identified on the Arapahoe County Resource Composite Map, or as mapped by Federal Emergency Management Agency (FEMA), or other public or private entity and accepted by the County, or as identified by the applicant if prepared by a qualified professional and approved by the County. If the 100-year floodplain is not mapped, the applicant shall retain a qualified professional to delineate the 100-year floodplain on the property prior to formal submittal of the cluster subdivision application.
  - (iii) Other water bodies, rivers and streams, and wetlands, as identified on the Arapahoe County Resource Composite Map or through other County mapping, or as identified by the applicant's site analysis and approved by the County. Applicants should contact the U.S. Army Corp of Engineers regarding delineation of regulated wetlands.

- (iv) Prime Farm Land, as identified on the Arapahoe County Resource Composite Map, or mapped by the Natural Resources Conservation Service.
- (v) Steep slopes and other geologically sensitive areas, as identified on the Arapahoe County Resource Composite Map, or as identified by the applicant's site analysis if prepared by a qualified professional and approved by the County.
- (vi) Other Sensitive Development Areas, as identified on the Arapahoe County Resource Composite.
- (b) Other environmental areas or features not identified on County maps or other specified maps, but identified by the applicant on the site analysis map or by the County at the site visit, including but not limited to:
  - (i) Ridgelines, as viewed from adjacent county roads;
  - (ii) Significant views of the rural, open character of the district, as viewed from adjacent county roads;
  - (iii) Historic structures greater than 50-years in age,
  - (iv) Archeological sites, or
  - (v) Mature trees or stands of mature trees and indigenous significant vegetation.
- (c) Other lands required to be dedicated to the public under Section 4-2.5 or otherwise dedicated, as applicable, including:
  - (i) Land for public schools;
  - (ii) Land for public parks or trails; and
  - (iii) Land for other public purposes.
- iv. **CONSERVATION AREA(S) CONFIGURATION CRITERIA**  
The applicant shall configure the conservation areas in a manner to:
  - (a) Conform with any adopted County open space and trail plans, as amended;
  - (b) Provide contiguity with adjacent open space, conservation areas, and agricultural lands;
  - (c) Protect unique natural, historic, or cultural site features and resources;
  - (d) Provide minimum buffer widths between any residential dwelling and adjacent agricultural activities, as required by Section 4-2.7.A.3.d.iii of this Code;
  - (e) Provide a minimum buffer of 50 feet along all perimeter public roads; and
  - (f) Avoid fragmentation of conservation areas within the site.
- v. **ALLOWED USES AND ACTIVITIES IN CONSERVATION AREA(S)**  
Please refer to Section 4-2.7.A in this LDC for applicable standards addressing principal and accessory uses allowed in the conservation areas.

#### 4. Utility And Infrastructure Requirements

##### a. Water

Residential cluster lots may be served with either individual wells or by a community or central water supply system.

- i. An individual well shall be located on the residential lot that the well serves, and shall comply with the applicable requirements of the Office of the State



Engineer. All well requirements shall be verified prior to the issuance of a Certificate of Occupancy by the Building Division.

- ii. A community or central water supply system may be located within the residential cluster(s) it serves, or may be located within a conservation area tract provided the County finds:
  - (a) The system cannot reasonably be contained within the residential cluster(s) or other nearby developed areas;
  - (b) Construction, installation, and maintenance of the system shall comply with all applicable federal and state standards and specifications, including but not limited to regulations promulgated by the Colorado Department of Public Health and Environment and the Office of the State Engineer;
  - (c) Construction, installation, and maintenance of the system shall comply with all terms and conditions in any applicable Intergovernmental Agreement; and
  - (d) Construction of the system shall not disturb a Sensitive Development Area, or other significant natural area or feature, unless substantially mitigated by the applicant.

**b. Wastewater**

Residential cluster lots may be served by on-site wastewater systems or by central (community) sewer systems.

- i. An onsite wastewater system (“OWS”) shall be located on the residential lot that the system serves and shall comply with all applicable Tri-County Health Department regulations.
- ii. Residential clusters shall establish an OWS management program approved by Tri-County Health Department. For subdivisions containing 50 or more residential cluster lots, the management program shall designate a management entity and address: OWS maintenance, inspection and pumping; program financing; enforcement; homeowner education; and annual reporting to Tri-County Health Department. For subdivisions with less than 50 lots, or if a property owners association does not exist, or if it is not feasible for the property owners association to serve as the management entity, an alternate management arrangement may be proposed.
- iii. A central or community sewer system and its components may be located within a residential cluster(s), or may be located within a conservation area tract provided the County finds:
  - (a) The central sewer system cannot reasonably be contained within the rural cluster(s) or other nearby developed areas;
  - (b) Construction, installation, and maintenance of the system shall comply with all applicable federal, state (including the Colorado Department of Public Health and Environment), DRCOG, and Tri-County Health Department standards and specifications; and
  - (c) Construction of the system shall not disturb a Sensitive Development Area or other significant natural area or feature, unless substantially mitigated by the applicant.

**c. Fire Protection**

Applicants should confer with the appropriate fire district regarding current levels of fire protection service and based on such information, provide an adequate level of

fire protection for residents. The County strongly encourages applicants to provide a coordinated fire protection approach with the district that may include, but is not limited to, a designated community water supply, tank, or well of sufficient capacity for fire protection demands; an adequate number and spacing of fire hydrants; or the provision of sprinkler systems within individual dwellings.

**d. Roads**

**i. INTERNAL CLUSTER SUBDIVISION ROADS**

**(a) Private Internal Roads:**

All private internal roads connecting with the county access road and located within the boundaries of the cluster subdivision shall be constructed according to adopted county “rural private roadway” standards, with the approval of the applicable fire district and provided adequate roadside drainage is assured. The applicant shall include all private roads within tracts dedicated to that purpose on the subdivision plat, and include adequate easements for access, utilities, and drainage. Property owners within the cluster subdivision shall own and maintain all private internal roads under common ownership.

**(b) Public Internal Roads**

All public (dedicated) roads connecting with the county access road and located within the boundaries of the cluster subdivision shall be constructed to the specifications of the adopted county “rural roadway” standard, which requires a 60-foot right-of-way section. However, the County may approve a 24-foot paved surface width plus two six-foot gravel shoulders within a 60-foot right-of-way section for such public roadways in rural cluster subdivisions with the approval of the applicable fire district and provided adequate roadside drainage is assured.

**ii. ACCESS TO COUNTY ROADS**

All roads necessary to provide access to the cluster subdivision from a county road, but not located within the boundaries of the subdivision, shall be constructed to the specifications of the county’s standards for either rural private roadways or rural (public) roadways described in subsection 4-2.7.B.4.d.i) above. For example, in order to connect internal cluster subdivision roads to a county section line road, the applicant needs to construct a new road through an adjacent property. That new road must be built as either a private or public rural roadway meeting all county roadway standards and specifications.

**iii. PEDESTRIAN AND MAINTENANCE ACCESS**

The applicant shall provide pedestrian and maintenance access to the conservation area(s) in accordance with the following requirements:

**(a) General Rule**

For each 20 lots in a cluster development, the applicant shall provide at least one centrally located access easement for pedestrian and equestrian use of the conservation area(s), as well as for maintenance access. The access easement shall be a minimum of 30 feet wide.

**(b) Exceptions**

The applicant may restrict pedestrian or equestrian access in any of the following circumstances:

- (i) Access may be restricted to agricultural lands for public safety reasons and to prevent interference with agricultural operations.
- (ii) Access may be restricted to portions of conservation areas that contain Sensitive Development Areas, including but not limited to areas of steep slopes, wetlands, critical wildlife habitat, or other significant natural feature that the County determines could be harmed if unrestricted pedestrian access were allowed.

**iv. STORMWATER MANAGEMENT AND DRAINAGE FACILITIES**

All stormwater management and drainage facilities and their components, such as detention and water quality ponds, shall be contained within tracts and clearly delineated on the Cluster Subdivision Plat. The applicant shall show the area, intended use, and final ownership of all stormwater management and drainage facilities on the plat. Stormwater management and drainage facilities shall be sited within the residential cluster component of the subdivision to better ensure ongoing and regular maintenance of the facilities. However, the County may approve an alternate location within a conservation area tract provided the County finds:

- (a) The facilities cannot reasonably be contained within the rural cluster(s) or other nearby developed areas;
- (b) Construction of the facilities shall not disturb a Sensitive Development Area or other significant natural area or feature, unless substantially mitigated by the applicant; and
- (c) The Engineering Division Manager or designee recommends approval of the alternative siting in the conservation area, with or without conditions.

**5. Ownership and Maintenance of Conservation Area(s)**

**a. Conservation Area(s)—Length of Term**

Future development within the conservation area shall be prohibited in perpetuity.

**b. Ownership Options**

The applicant shall propose measures or methods for long-term ownership of the conservation area(s). The following methods may be used, either individually or in combination, for long-term ownership of the conservation area with the approval of the County:

**i. FEE SIMPLE DEDICATION TO ARAPAHOE COUNTY**

The County may, but shall not be required to, accept any portion of the conservation area as a fee simple dedication, provided:

- (a) The County shall have no acquisition costs, unless the County agrees to purchase the property; and
- (b) The County agrees to and has access to maintain such land.

**ii. FEE SIMPLE DEDICATION TO OTHER GOVERNMENTAL ENTITY**

The County may approve dedication of the conservation area to another governmental entity— federal, state, or local—under terms that ensure permanent protection and maintenance of the conservation area.

**iii. DEDICATION OF EASEMENTS TO ARAPAHOE COUNTY**

The County may, but shall not be required to, accept conservation easements on any portion of the conservation area. In such cases, the land remains in the ownership of the property owners association, private conservation organization, or other acceptable entity, while the County holds the easement (which may allow for public access or other public benefit). In addition, the following regulations shall apply:

- (a) The County shall have no acquisition costs; and
- (b) A satisfactory maintenance agreement shall be reached between the owner and the County.

**iv. PROPERTY OWNERS ASSOCIATION**

Conservation areas may be held in common ownership by a property owners association, subject to all of the provisions for such associations set forth by the State of Colorado. In addition, the applicant shall meet the following regulations:

- (a) The applicant shall provide the County for review and approval a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for the conservation area, including a legal description of the land and any restrictions placed upon its future use and enjoyment.
- (b) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the approval of any final plat within the cluster development.
- (c) Membership in the association shall be automatic (mandatory) for all purchasers of lots therein and their successors in title. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
- (d) The association shall be responsible for maintenance and insurance of the conservation area(s).
- (e) The association shall provide written notice of any proposed transfer of, or the assumption of, maintenance for the conservation area to all association members and to the County no less than 60 days prior to such event.
- (f) The association by-laws shall give the County authority (but no obligation or duty) to assume responsibility to enforce these restrictions if the association fails to maintain the conservation area, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

**v. RETENTION OF INTEREST BY OWNER OR DEVELOPER**

The owner or developer of the rural cluster development property may retain title to the conservation area, provided:

- (a) A deed restriction is placed on the conservation area, which is acceptable to the County, and
- (b) As applicable, the applicant submits a Management Plan acceptable to the County pursuant to Section 4-2.7.B.5.c.ii, Management Plan, below, that ensures perpetual maintenance.

**vi. PRIVATE CONSERVATION ORGANIZATION (WITH APPROVAL OF COUNTY)**

- (a) With approval of the County, an owner may transfer either a conservation easement or fee simple title for the conservation area to a private non-profit organization, provided:
  - (i) The conservation organization is acceptable to the County and is a qualified conservation organization intended to exist indefinitely;
  - (ii) The conveyance contains appropriate provisions for proper reverter or transfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;
  - (iii) The conservation area shall be permanently restricted from future development through a conservation easement, and the County is given the authority (but no obligation or duty) to enforce these restrictions; and
  - (iv) A maintenance agreement acceptable to the County is established between the owner and the conservation organization.
- (b) With the approval of the County, land within a proposed conservation area encumbered by a conservation easement that exists before submittal or approval of a rural cluster subdivision application may satisfy the requirement for permanent conservation stated in Section 4-2.7.B.5.a above if the County finds the following conditions are met:
  - (i) The terms of the existing conservation easement are consistent with the purpose of the Rural Cluster Option established in this section;
  - (ii) The preserved land has natural, scenic, open space, wildlife habitat, agricultural, recreational or other value that justifies the applicant receiving the Rural Cluster Option benefits;
  - (iii) Significant public benefit has derived from the applicant's preservation of the land subject to the existing conservation easement;
  - (iv) The amount, location, and design of the preserved land meets the standards and criteria stated in this Section 4-2.6; and
  - (v) Preservation of the land qualifies as a conservation contribution under Section 170(h), as amended, of the Internal Revenue Code.
- (c) The previous donation of a conservation easement does not create a right to apply the preserved land toward meeting the preserved land requirements of this Chapter. The County will consider all such cases on an individualized basis to determine if it satisfies the criteria and standards stated above.

**vii. NON-COMMON PRIVATE OWNERSHIP— CONSERVANCY LOTS**

As approved in a Cluster Subdivision Plat, a portion of the required conservation area may be included within one or more large "conservancy lots," provided:

- (a) The conservancy lot(s) meet the minimum conservancy lot size requirements set forth in Section 4-2.7.A.4 of this LDC.
- (b) The conservation area within the conservancy lot is permanently restricted from future development and activities through a conservation easement or other deed restriction acceptable to the County, except for uses allowed in Section 4-2.7.A.4.a of this LDC, "Allowed Uses and Activities in Conservation Areas," and the County is given the express authority (but no obligation or duty) to enforce these restrictions.

**c. Management of Conservation Area(s)**

**i. MANAGEMENT COST AND RESPONSIBILITY**

Unless otherwise agreed to by the county or unless the land is dedicated to the county, the cost and responsibility of maintaining and managing the conservation area shall be borne by the property owner, property owners association, conservation organization, or other owner entity as identified pursuant to Section 4-2.7.B.5.b, Ownership Options," above.

**ii. MANAGEMENT PLAN—WHEN REQUIRED**

- (a) A Plan for Management of the Conservation Area(s) ("Management Plan"), prepared according to Section 4-2.7.B.5.c's requirements below, will be required for all cluster subdivisions in which the cumulative acreage of the conservation area(s) totals 160 acres or more, unless the original owner of the total conservation area retains ownership and will continue its use for permitted agricultural purposes.
- (b) When the original owner of the conservation area retains ownership for continuing agricultural uses, the applicant shall explain in the cluster subdivision application how the owner intends to ensure the perpetual maintenance of the conservation area. The applicant shall reference and include copies of any existing Natural Resources Conservation Service (NRCS) conservation management plans or grazing management plans for the property required for participation in federal agricultural and rangeland programs. The county may condition subdivision approval on the future submittal of a Management Plan upon a change in ownership or use of the conservation area.
- (c) When the total conservation area is less than 160 acres, the applicant shall submit a weed control plan in compliance with county regulations, and shall indicate on the application what entity will be responsible for the long-term maintenance of the conservation area, but will not be required to submit a detailed Management Plan as required in Section 4-2.7.B.5.c.iii below.

**iii. MANAGEMENT PLAN—CONTENTS AND ISSUES ADDRESSED**

The applicant shall, at the time of the Cluster Subdivision Plat submission, provide a Plan for Management of the Conservation Area(s) ("Management Plan") in accordance with the following requirements.

- (a) The Management Plan shall define ownership of the conservation area(s), and the organization(s) that will monitor and maintain the area(s).
- (b) The Management Plan shall include a baseline report identifying the condition of the conservation area at the time the cluster subdivision application is submitted.
- (c) The Management Plan shall state its purpose and objectives for management of the conservation area, including but not limited to the following, as applicable: wildlife management; cultural resource management; agricultural operations and management; and environmental protection and restoration.
- (d) The Management Plan shall establish necessary regular and periodic operation and maintenance responsibilities and include an operations and maintenance program that estimates staffing needs, insurance

requirements, and costs, and defines the means for funding maintenance on an on-going basis. Such program plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

- (e) To ensure execution of the Management Plan, the County may require the applicant to escrow sufficient funds for the maintenance and operation costs of conservation area for up to one year.
- (f) Any changes to the Management Plan shall be approved by the County.
- (g) In the event that the organization established to maintain the conservation area, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility for maintenance (but shall have no obligation or duty to do so), in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
- (h) The Management Plan shall allow the County to enter the premises and take corrective action including extended maintenance. The costs of such corrective action may be charged to the property owner, property owners association, conservation organization, or individual property owners who make up a property owners association, and may include administrative costs and penalties. Such cost shall become a lien on said properties. Notice of such lien shall be filed by the County.

#### 4-2.8. Transportation, Drainage, and Open Space Guidelines

##### A. OPEN SPACE DESIGN GUIDELINES

Reserved

##### B. TRANSPORTATION AND DRAINAGE DESIGN GUIDELINES

Reserved

#### 4-2.9. Streetscape Guidelines

##### A. INTRODUCTION AND BACKGROUND

1. The primary goal of any street or roadway system is to provide a safe, maintainable transport route for vehicles as well as pedestrians. The design elements placed within this system are just as important as the system itself. Streetscape improvements help to convey a certain image or identity for a particular area. These improvements can help unify an entire community and can help create an image for a neighborhood. Regardless of the intent streetscape improvements, there needs to be a basic framework established to ensure the proposed improvements are implemented successfully.
2. The overall intent of the following criteria is to provide the PWD Engineering Division, prospective developers and development organizations with a basic framework for streetscape improvements within unincorporated Arapahoe County. This framework will assist the PWD Engineering Division with their review of submittal plans for roadway and landscape improvements by providing design criteria which will help determine if a proposal is acceptable or not. This criterion may also be provided to developers or development organizations which will enable them to determine if a proposal is acceptable.
3. It should be noted that the enclosed Streetscape Criteria are intended as a guideline for streetscape improvements. It is virtually impossible to address all of the elements and

site-specific conditions pertaining to the streetscape environment. The enclosed criteria and graphics address sight distances and sight triangles, landscape and irrigation design criteria, streetscape design criteria and recommended plant materials in a rather broad nature rather than specific standards. This allows for design flexibility and does not “lock” the County into “Only one way of doing something”. In many instances, design items are referenced as ‘being reviewed on a case by case basis’ because the issue of streetscape design is not a simple one. There is always a unique situation that is present with a design and the enclosed streetscape criterion is flexible enough to accommodate creative design solutions.

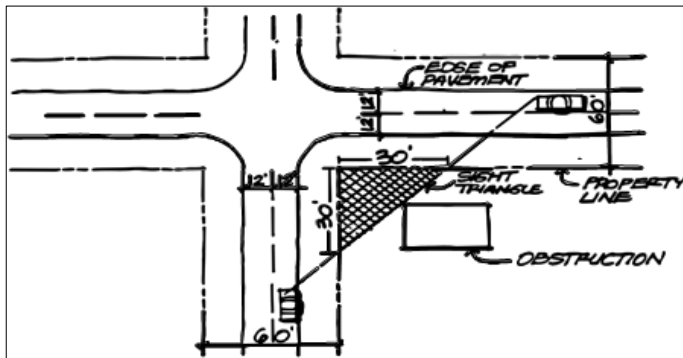
**B. DESIGN CRITERIA**

**1. Sight Lines Vs. Sight Triangles**

The sight distance (line of sight) should be unobstructed for a distance that will enable motorists approaching a road intersection to see each other in enough time to prevent a collision. The sight distance will be dependent on the type of traffic control present at the intersection, the width of the road, the design speed of approach and the type of vehicle approaching the intersection. Two factors that need to be addressed concerning sight distance are the sight triangle and the sight line.

**2. Sight Triangles**

The Arapahoe County LDC identifies a sight triangle where “no wall, fence, sign, structures, or any plant growth having a height in excess of three feet above the elevation of the lowest point on the crown of the adjacent roadway shall be maintained.” Therefore, the sight triangle is that area around an intersection where no obstructions above three feet in height are permitted (Refer to Figure 4-2.9.1). The sight triangle is defined by measuring 30 feet, along the intersecting property lines. Site specific development plans may specify sight triangles having dimensions other than 30 feet. Refer to appropriate development plans to verify requirements at specific locations.



(Figure 4-2.9-1)

**3. Sight Lines**

- a. Further, the PWD Engineering Services Division requires that adequate visibility is maintained to safely allow vehicles to cross a street, turn left or right onto it, or turn



left from it. To do this, it is necessary to draw sight lines. These lines originate at the location of the driver's eyes for the specific movement. This sight line extends along the roadway in question a distance that depends upon conditions which are defined by Figure IX-27 of Geometric Design of Highways and Streets by AASHTO.

- b. In no instance will any obstruction be permitted in front of the minimum sight line, defined as the high range of stopping sight distance. Thus, no trees, shrubs, planters, berms, etc. over 36 inches in height above gutter flowline will be allowed (Refer to Fig.3). The driver's eye location for side street vehicles is 15 feet behind the curb line extended (desirable), with 10 feet being the absolute minimum.
- c. Between the minimum sight line distance and the maximum requirement noted in Figure IX-27 of Geometric Design of Highways and Streets by AASHTO, obstructions may be permitted but they must be "transparent" in nature. Landscape massings shall be designed to promote at least 50 percent visibility through the mass and spaced far enough apart to maintain an acceptable view of traffic. In no instance shall a blind spot be created that would completely screen a vehicle for more than one half second. The length of this "allowable" blind spot can be calculated using roadway speed and a vehicle length of 20 feet.
- d. Opaque tree/shrub masses will be permitted in areas where no intersections exist, and where no conflicts occur within the sight triangle or sight line areas as outlined above.
- e. Arapahoe County will require that all Landscape Plans submitted shall show the sight lines, sight triangles and the design speed on the plan at each intersection pertinent to the proposed project site.

#### 4. Drainage Concerns

- a. At the present time, Arapahoe County does not have a standard drainage detail that will prevent lateral water movement into and under a proposed roadway section. There are many products and alternative solutions that address this issue, but none have been adopted as of this publication. The following section will briefly address what the County will require for future road construction submittals.
- b. In all areas that are proposed for irrigation immediately adjacent to a roadway section (i.e. landscape medians, streetscape plantings, etc.) there will be a requirement that a drainage barrier or drainage "system" be incorporated into the design that will prevent lateral water movement into or under the proposed roadway section. This "system" may range from an impermeable barrier that extends below the roadway section to a subsurface drainage system that intercepts this water and diverts it away from the roadway section. The impermeable barrier "system" shall be encouraged in more rural/non-urban areas whereas the subsurface drainage "system" shall be encouraged in areas that possess a storm sewer system or enough grade change that will allow for the discharge of this water away from the roadway section in question.
- c. Regardless of the proposed "system" that will be used to prevent this lateral movement of water under a roadway section, Arapahoe County will require that all proposed solutions be submitted to the County for review and comment. Each proposed solution will also be handled on a case-by-case basis.

#### C. STREETScape CRITERIA

It is the intent of the county to promote landscape elements within the streetscape environment. The Arapahoe County Infrastructure Design and Construction Standards, as

amended, classifies each roadway. The following text will address each classification with its potential for landscape design improvements.

**1. Streetscape Guidelines for Roadway Sections**

**a. Rural Local Road**

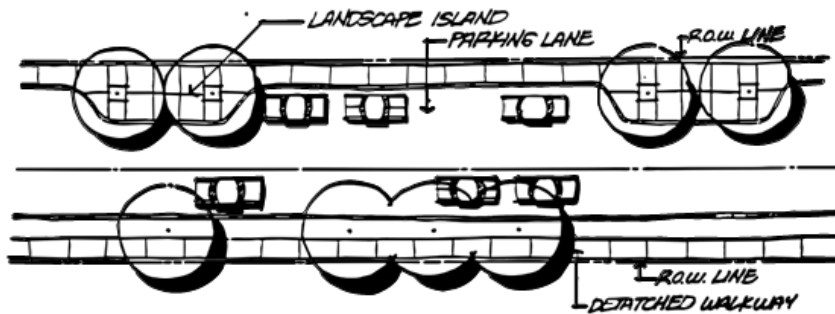
- i. Medians not permitted.
- ii. Landscape improvements will be limited to the area between pavement edge and right-of-way Boundary.
- iii. Potential for moving the roadway to one side of right-of-way to allow for landscape improvements on the opposite side (limited applications).

**b. Urban Local Road**

- i. Roadway may be offset to one side of right-of-way to allow for additional landscape/streetscape improvements.
- ii. Parking lane may be eliminated on one side of roadway section in select areas to allow for landscape/streetscape improvements.
- iii. Median is not permitted unless it is used as an entry feature and the right-of-way is wide enough to accommodate it.

**c. 60 Foot Minor Collector**

- i. Parking pavement lane could be deleted in select areas to accommodate landscape/streetscape improvements. Detached walks are encouraged in this situation.
- ii. "Parking islands" may be incorporated in parking pavement lane areas to break up the linearity of the street and provide an area for proposed landscape/streetscape improvements. See Figure 4-2.9-2, below.
- iii. Landscape area may be incorporated between detached walk and curb.



(Figure 4-2.9-2)

- iv. Roadway may be offset to one side of right-of-way to allow for additional landscape/streetscape improvements.
- v. Median is not permitted, unless it is used as an entry feature and the right-of-way is wide enough to accommodate a median.

**d. 80 Foot Major Collector**

- i. Paved area may be narrowed to accommodate landscape/streetscape improvements in areas where a center turn lane is not required, provided that proper transitions are constructed.
- ii. Medians will be permitted in areas where side street access is fairly limited and will be considered on a case by case situation. Intermittent use of medians will not be permitted.
- iii. Raised planter medians are discouraged.
- iv. Turf median solutions are possible but are discouraged. Turf medians will be reviewed on a case by case basis.
- v. Roadway may be offset to one side of right-of-way to allow for additional landscape/streetscape improvements.
- vi. Landscape/streetscape improvements are suggested between the detached walk and curb line, detached walks are encouraged.

**e. 100 Foot Minor Arterial**

- i. Paved area may be narrowed to accommodate landscape/streetscape improvements in areas where a center turn lane is not required, provided that proper transitions are constructed.
- ii. Medians will be permitted in areas where side street access is fairly limited and will be considered on a case by case situation. Intermittent use of medians will not be permitted.
- iii. Landscape/streetscape improvements are strongly recommended between the detached walk and curb to help reduce the scale of the street (i.e. street trees).
- iv. Turf median solutions are possible but are discouraged. Turf medians will be reviewed on a case by case basis.
- v. Roadway may be offset to one side of the right-of-way to allow for additional landscape/streetscape improvements.

**f. 120 Foot (Four Lane) and 140 Foot (Six Lane) Major Arterials**

- i. Standard section calls for a raised median up to 26 feet in width.
- ii. Turf medians are permitted in median sections greater than 12 inches.
- iii. When double left turn lanes are provided, landscape treatments will not be permitted on the adjacent raised median.
- iv. Landscape masses can be larger than previous median typicals and plant diversity should be minimized because of faster design speeds.
- v. Landscape/streetscape improvements are strongly recommended between the detached walk and curb to help reduce the scale of the street (i.e. street trees).

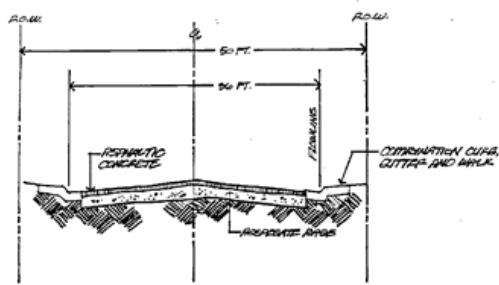


Figure 4-2.9-3

Urban Local Road

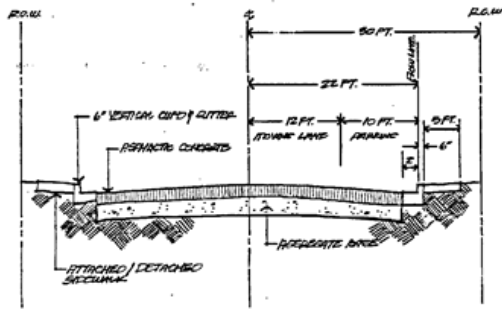


Figure 4-2.9-4

60' Minor Collector

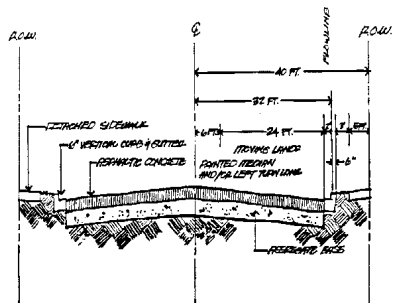


Figure 4-2.9-5

**80 feet Major Collector**

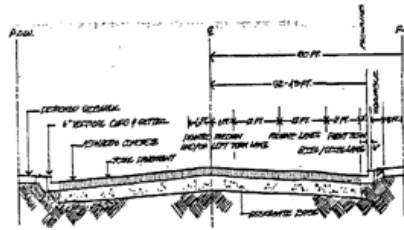


Figure 4-2.9-6

**100 feet Minor Arterial**

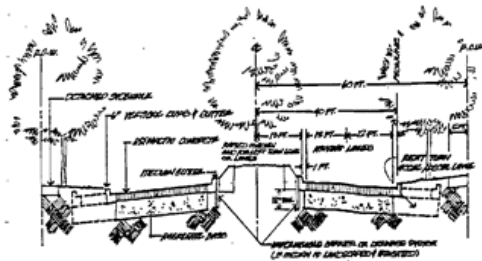


Figure 4-2.9-7

**120 feet (4 lane) Major Arterials**

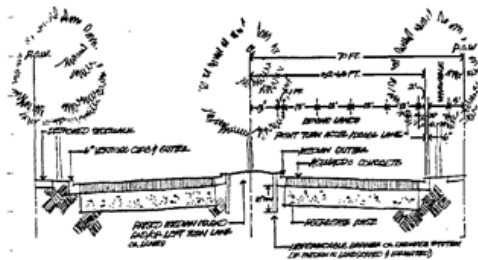


Figure 4-2.9-8

**140 feet (6 lane) Major Arterials**

2. **Paved Medians**

- a. Paved medians should be designed to incorporate a common element throughout.
- b. The entire design (i.e. materials, color, texture, etc.). Medians should be designed to be relatively easy to maintain while also adding an aesthetic appeal to the street environment. Positive drainage should be maintained at all times. Appropriate expansion joint material and caulk should also be installed between median pavement and back of curb. Below are suggested paved median design guidelines.
  - i. **PAVED SMALL MEDIAN (SIX FEET OR LESS IN WIDTH)**
    - (a) Medians should be crowned at a minimum of two inches per foot.
    - (b) Textured paving materials that trap dirt and debris should be used in limited areas.
    - (c) Accepted materials for small median treatments:
      - (i) Broom finished concrete (colored preferred),
      - (ii) Stamped/ textured concrete
      - (iii) Exposed aggregate concrete
      - (iv) Interlocking pavers
      - (v) Mortared brick
      - (vi) Grouted cobble
    - (d) Asphaltic pavements will not be accepted for small paved medians.
  - ii. **PAVED LARGE MEDIANS (GREATER THAN SIX FEET IN WIDTH)**
    - (a) Medians shall be crowned at a minimum of one inches per foot.
    - (b) An 18 inch wide “grade transition strip” is required from back of curb face to the beginning of crowned pavement. Slope of “transition strip” will be a minimum of two percent towards the street flowline. See Figure 4-2.9-9.

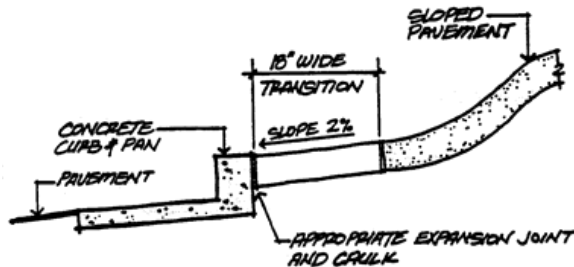


Figure 4-2.9-9

- (c) Paved medians shall be designed so that no visible vertex exists. Median crowns should be smooth. Tangents and abrupt grade breaks should be avoided.
- (d) Large expanses of paved medians should be avoided.

- (e) Acceptable materials for large medians treatments:
  - (i) Broom finished concrete (color preferred)
  - (ii) Stamped concrete (color preferred)
  - (iii) Interlocking pavers
  - (iv) Mortared brick
  - (v) Exposed aggregate concrete
  - (vi) Grouted cobble
- (f) Asphaltic pavements will not be accepted for large paved medians.

**3. Non-Paved Medians**

The addition of medians to the streetscape environment is an important design element. Medians tend to reduce the overall scale of a roadway and make it possible to add landscape elements in the center of the right-of-way. This section pertains to landscape medians as well as raised planter medians. Medians of this nature tend to be more maintenance intensive and require design solutions that address this issue.

**a. Landscape Medians Four Feet or Less in Width**

Landscape improvements are discouraged and will be reviewed on a case by case basis.

**b. Landscape Medians Greater Than Four Feet in Width**

- i. Landscape improvements are encouraged.
- ii. Medians shall not exceed 4:1 slopes.
- iii. Ensure plant materials do not encroach into vehicular or pedestrian circulation areas.
- iv. Provide drainage barrier/drainage system to prevent lateral water movement into the roadway section.
- v. Turf medians are discouraged for median widths less than 12 feet in width. Proposals for turfed medians under 12 feet in width will be reviewed on a case by case basis.
- vi. Irrigation systems should be designed to prevent overspray into vehicular travel lanes.
- vii. Deciduous trees will be allowed in raised medians within sight line and sight triangle areas, however there must be no obstruction from 36 inches above roadway flowline to seven feet six inches above roadway flowline. A four-foot six-inch clear zone is required in sight line and sight triangle areas.

**c. Plant Materials**

- i. All plant materials shall be placed to ensure that no conflict occurs with traffic flow (at time of planting and in the future). See Landscape Criteria.
- ii. As a general rule, plant materials, particularly shrubs, should be kept away from the median edge to ensure that an 18 inch clear zone exists. Plant materials selected should be placed to ensure that no encroachment occurs into traffic flow areas. These 18 inch clear zones need to be either paved or mulched with appropriate mulch.
- iii. Irrigation should be designed to avoid overspray into traffic lanes. All irrigated areas adjacent to roadways should incorporate a drainage barrier/drainage "system" to prevent lateral water movement under the roadway section.
- iv. All plant materials placed in medians shall not obstruct design sight lines or sight triangles. (See Section 4-1.2.F of this LDC).

- v. Opaque plant masses will be permitted outside design sight lines and sight triangles but will be reviewed on an individual case basis.
- vi. Recommended plant setbacks shall be maintained and all local landscape codes shall be adhered to.
- vii. Landscape medians shall not exceed 4:1 slopes and landscape crowns shall be wide enough to ensure no “vertex” exists.
- viii. Landscape medians shall also incorporate a general diversity of plant massings and turf areas to promote visual interest.

**d. Raised Medians/Planter Boxes**

- i. All landscape material in raised medians shall not exceed 36 inches in height from adjacent flowline in design sight lines and sight triangle areas. Sloped pavement/planter walls with slopes greater than 2:1 shall have an 18 inches paved “transition zone” from curb face to bottom of pavement/wall.
- ii. Transitions for raised medians from left turn lanes to raised median planters shall be smooth and continuous. Abrupt changes from a flat median section to a raised median section should be avoided.
- iii. Accepted raised medians/planter treatments:
  - (a) Cast in place concrete, broom finish (color preferred), or pre-cast construction
  - (b) Exposed aggregate concrete
  - (c) Stamped concrete (color preferred)
  - (d) Interlocking pavers
  - (e) Mortared Brick
  - (f) Grouted cobble
- iv. As with landscape medians, all proposed irrigated raised medians shall be designed to minimize conflicts with vehicular and pedestrian circulation areas. Irrigated raised medians/planters should also incorporate a drainage barrier/drainage “system” that will prevent lateral water movement under roadway sections.
- v. Deciduous trees will be allowed in raised medians within sight line however there must be no obstruction from 36 inches above roadway flowline to seven feet six inches above roadway flowline. A 4-foot 6-inch clear zone is required in sight line areas.

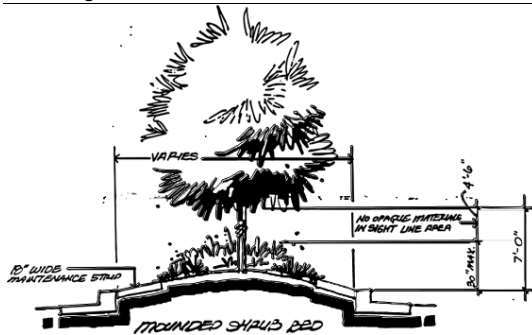


Figure 4-2.9-10



**4. Recommended Plant Materials List**

See the Development Application Manual for a recommended list of plant materials.

**5. Maintenance Regime**

See the Development Application Manual for recommended landscape maintenance guidelines.

**4-2.10. Access and Connectivity Guidelines**

[Reserved]

## **4-3 FLOODPLAIN MANAGEMENT**

### **4-3.1. Findings of Fact**

- A.** The flood hazard areas of Unincorporated Arapahoe County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
- B.** The flood losses are created by the cumulative effect of obstructions in floodplains and special flood hazard areas which cause an increase in flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately elevated, floodproofed or otherwise protected from flood damage contribute to the flood loss.

### **4-3.2. Statement of Purpose**

- A.** It is the purpose of the Floodplain Management and Flood Damage Prevention Regulations, (hereinafter referred to as “Floodplain Management Regulations”) to promote the health, safety, and general welfare of the public, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:
  - 1.** To protect human life and health;
  - 2.** To minimize expenditure of public money for costly flood control projects;
  - 3.** To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - 4.** To minimize prolonged business interruptions;
  - 5.** To minimize damage to critical facilities, infrastructure, and other public facilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in floodplains and special flood hazard areas;
  - 6.** To help maintain a stable tax base by providing for the sound use and development of floodplains and special flood hazard areas so as to minimize future flood blight areas;
  - 7.** To provide a means to respond to requests from potential developers for information supporting a determination regarding whether property is in a floodplain or special flood hazard area;
  - 8.** To ensure that potential buyers are notified that property is in a special flood hazard area or floodplain; and
  - 9.** To provide that those who occupy floodplains or special flood hazard areas assume responsibility for their actions.

- B. The Floodplain Chapter of the Arapahoe County Stormwater Management Manual, hereinafter referred to as the Stormwater Management Manual, is hereby adopted and declared to be a part of this Code. The Stormwater Management Manual provides detailed requirements for the management and regulation of floodplains and special flood hazard areas.

#### 4-3.3. Methods of Reducing Flood Losses

To accomplish its purposes, the Floodplain Management Regulations, in conjunction with the Stormwater Management Manual, include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to flood water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, drainageways, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas; and,
- F. Preventing all new construction or installation of residential or non-residential structures, in any floodplain or special flood hazard area, including FLP-O properties.
- G. Restricting encroachments including fill, new construction, and other development in any floodplain or special flood hazard area unless a technical evaluation demonstrates that the encroachments will not result in an increase (no rise) in flood levels during the occurrence of the base flood, or a FEMA-approved CLOMR or County-approved Floodplain Modification Study is provided.
- H. Requiring a minimum clearance, or freeboard of two feet, be provided between the 100-year base flood elevation and the structure's lowest floor and other applicable facilities which may be impacted by or adjacent to the base flood. Freeboard is required to allow for uncertainty in the floodplain modeling, changes to the drainageway (i.e. increased invert due to sedimentation), and to provide an additional factor of safety for structures and facilities which would result in damages or hazards during inundation.
- I. Considering cases where protection should be given from flooding events that are produced by storm events in excess of the 100-year storm event, including access routes that are critical for the protection of the public health, safety, and welfare, or where flooding in excess of the 100-year storm event could result in loss of life, significant damage to utilities and infrastructure, or result in hazardous materials being transported in flood waters. In general, placement of critical facilities within the 500-year floodplain is discouraged.

#### 4-3.4. General Provisions

##### A. LANDS TO WHICH THESE REGULATIONS APPLY

These regulations shall apply uniformly to all floodplains and special flood hazard areas within the jurisdiction of unincorporated Arapahoe County.

**B. BASIS FOR ESTABLISHING THE FLOODPLAINS AND SPECIAL FLOOD HAZARD AREAS**

The basis for establishing floodplains and special flood hazard areas shall be the boundary of the 100 -year floodplain. The extent of this area shall be based upon the best available information including:

1. The Arapahoe County, Colorado, and Incorporated Areas, Flood Insurance Study (FIS) dated September 4, 2020, with the accompanying Flood Insurance Rate Maps (FIRM), produced by the Federal Emergency Management Agency (FEMA) and any revisions thereto, hereby adopted by reference and declared to be part of this Code.
2. The Flood Hazard Area Delineation (FHAD) studies, produced by the Urban Drainage and Flood Control District, as may be amended and updated from time to time, hereby adopted by reference and declared to be a part of this Code.
3. Other 100-year floodplain studies as approved by the County and accepted by the appropriate local, regional, state or federal agencies.
4. As further defined by the requirements of the Floodplain Chapter of the Arapahoe County Stormwater Management Manual.

**C. COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted or materially altered without full compliance with the terms of these regulations and other applicable regulations. Nothing herein shall prevent the Floodplain Administrator, acting on behalf of the Board of County Commissioners, from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the State of Colorado through the Colorado Water Conservation Board and the National Flood Insurance Program.

**D. ABROGATION AND GREATER RESTRICTIONS**

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**E. INTERPRETATION**

In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State Statutes.

**F. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasion. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside floodplains or special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. No part of these regulations shall create liability on the part of Arapahoe County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

#### 4-3.5. Provisions for Flood Hazard Reduction

##### A. SPECIFIC STANDARDS

In all floodplains and special flood hazard areas as established in Section 4-3.4.B of these regulations, including shallow flooding areas (AO and AH Zones), the following provisions are required:

1. Prohibit all new construction of structures, including residential, non-residential, or recreational.
2. Prohibit new construction of critical facilities.
3. Prohibit additions to existing structures.
4. Prohibit fencing, including solid or perforated wood; split rail; chain link; stone, brick or other materials. Three-strand barbed wire may be permitted in rural areas on a case-by-case basis.
5. Prohibit detention or water quality ponds not part of a regional, or County or UDFCD approved drainage Master Plan.
6. Prohibit new construction of streets (local and collector streets may be approved on a case by case basis provided alternate access is available and street depth criteria are met).
7. Prohibit permanent toilet facilities.
8. Prohibit new construction of structures, ponds, or appurtenances related to water and wastewater treatment facilities.
9. Prohibit vehicle parking lots not associated with an approved floodplain use.
10. New construction of landscaping walls or structural walls that extend or flatten land that result in floodplain encroachment.
11. Prohibit the storage or processing of materials, which are buoyant, flammable, explosive, or could cause injury to humans, animals, or plants. Prohibit the storage, processing of materials, or any other activity that may have an adverse impact on water quality. These materials represent a significant potential public health, environmental, or safety risk. Floatable materials can also be come lodged in culverts, bridges, and channels resulting in increased damages resulting from increased flood depths or diversion of flood waters. Temporary storage of construction-related vehicles and materials may be permitted, depending upon location and type of material storage. Prohibit the storage of any material in the floodway, unless permitted by the Floodplain Administrator.
12. Prohibit any use in the floodplain that has the potential for the following to occur:
  - a. Obstruction of the flood water flow so that the floodplain is altered in elevation in excess of the allowable criteria (unless approved through a floodplain modification study).
  - b. Reduction in the carrying capacity of the channel (unless approved through a floodplain modification study).
  - c. Potential for material, equipment, or facilities to become dislodged or displaced and to be deposited downstream causing channel or drainageway, culvert or bridge blockage, channel degradation, or damages to other properties.
  - d. Potential for negatively impacting water quality.
13. Performance standards for use of floodplains shall include the following:

- a. No floodplain use shall adversely affect the efficiency of, or unduly restrict the capacity of, the channels or floodplains of the mainstreams or any tributaries to the mainstream, drainage ditches, or any other drainage facilities or systems; or
  - b. No structure (temporary or permanent), fill (including fill for roads and levees), deposits, obstruction, storage of materials, or other floodplain uses which, acting alone or in combination with existing or future floodplain uses, adversely affects the efficiency or the capacity of the floodplain, or which adversely affects the storage capacity of the floodplain. Impervious surfaces in the floodplain shall be minimized. Proposed impervious surfaces in the floodplain are subject to approval by the Engineering Services Division with respect to generated storm water runoff.
14. Flood control or stream stability projects associated with County and UDFCD approved master plans may be permitted, provided that the Floodplain Development Permit requirements of Section 4-3.5.H.2 are met.
15. The Floodplain Administrator may impose conditions on approval of floodplain development permits to achieve compliance with the Provisions of Flood Hazard Reduction, which conditions may include modification of proposed systems and facilities and imposition of operational controls and limitations on periods and conditions of use and operation. Additionally, a map revision process may be required prior to permit approval.
16. A Floodplain Modification Study is required when development or other activities are proposed that require modification of, or construction in the floodplain or special flood hazard areas, as established in Section 4-3.4.B, or when proposals involve use of property within the floodplain or special flood hazard area, as established in Section 4-3.4.B. The Floodplain Modification Study requirements are identified in the Floodplain Chapter of the Stormwater Management Manual.
17. Building Permits.
- a. All necessary local, State and Federal permits shall be secured before building permits will be issued by Arapahoe County.
  - b. At the time of issuance of building permits, the applicant shall certify to the PWD Building Division that the proposed structure is outside of any floodplain or special flood hazard area, as established in Section 4-3.4.B.

**B. SUBDIVISION PROPOSAL STANDARDS**

All subdivision proposals will be reviewed to determine whether the subdivision will be reasonably safe from flooding. The following regulations in conjunction with the requirements of the Floodplain Chapter of the Stormwater Management Manual shall apply to all subdivision proposals within or adjacent to floodplain or special flood hazard areas:

**1. Minimize Flood Damage**

All subdivision applications, including the placement of manufactured home parks and subdivisions, shall be consistent with the need to minimize flood damage. In general, platted lots must be located outside of the 100-year floodplain limits.

**2. Floodplain Development Permit**

All subdivision applications, including the placement of manufactured home parks and subdivisions, shall meet the permit requirements of Section 5-4.3.B.2 of this LDC.

**3. Base Flood**

The applicant shall be responsible for generating any base flood data and survey data requested by the Floodplain Administrator relating to the site and proposed

development. In cases where there is conflicting base flood elevation data, the data which is most protective of the floodplain or special flood hazard area will be used.

**4. Drainage**

All subdivisions, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

**5. Protection of Utilities**

All subdivision applications, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

**6. Floodplain Areas**

Floodplain boundaries must be considered in subdivision layout, where applicable, and as further defined in the Floodplain Chapter of the Arapahoe County Stormwater Management Manual. In general, platted lots must be located outside of the floodplain or special flood hazard area limits. An exception is made for zoning districts where residential lots exceed two and one half acres, in which case lots may be platted within the floodplain or special flood hazard area limits, provided a floodplain easement and building envelopes are established. When the floodplain boundary accurately represents the proposed floodplain limits, lots can be platted as described in this subsection. There are many cases, however, where the SFHA or mapped floodplain was delineated using approximate methods or where improvements are proposed to confine the floodplain. In this case, platted lots must be outside the SFHA or mapped floodplain or the actual floodplain, whichever is more restrictive.

**7. Proposed Subdivision Lots Removed from or adjacent to Floodplains**

This subsection applies to subdivisions where any proposed lots are required to be removed from the floodplain or special flood hazard area or where any proposed lots are adjacent to the floodplain. In either such case, an approved CLOMR or Floodplain Modification Study will be required prior to County approval of a final plat. A plat restriction shall prohibit the issuance of building permits on the affected lots until a LOMR or LOMA has been issued by FEMA and the appeal period has expired or a similar map change process has been approved by the County for non-FEMA mapped floodplains.

**8. Freeboard.**

All subdivision applications will be subject to the freeboard requirement in accordance with Section 4-3.5.C of these regulations and the Floodplain Chapter of the Stormwater Management Manual. Basements in structures on lots directly adjacent to a floodplain or special flood hazard area will be required to have two feet of freeboard above the BFE.

**C. FREEBOARD**

A minimum clearance, or freeboard, shall be provided between the floodplain or special flood hazard area and structures, and other applicable facilities, which may be impacted by or adjacent to the floodplain. Freeboard is required to allow for uncertainty in the floodplain modeling, changes to the drainageway (i.e. increased invert due to sedimentation), and to provide an additional factor of safety (buffer) for structures and facilities which would experience damages or hazards during inundations.

1. The County requires a minimum of two-feet of freeboard between the 100-year water surface elevation and the lowest floor elevation (including basement) of all substantially improved structures within the floodplain or special flood hazard area (including critical facilities) or structures adjacent to the floodplain or the special flood hazard area.
2. For facilities which are not structures (typically not requiring a building permit) such as roadways, utility cabinets, parks and trail improvements, a minimum of one foot of freeboard is acceptable.
3. Shallow flooding areas (AO and AH Zones) or areas adjacent to shall have the lowest floor (including basement) elevated two feet above the highest adjacent grade or two feet above the depth number specified on the Arapahoe County FIRM (at least four feet if no depth is specified on the FIRM).
4. A registered Colorado professional engineer or land surveyor shall submit an Elevation Certificate to the Floodplain Administrator to certify that standards of this section and Section 4-3.5.H.2 are satisfied.

**D. FLOODWAYS**

The floodway as defined in Section 7-2 is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential. Floodways are located within special flood hazard areas established in Section 4-3.4.B. The County has adopted a one-half foot floodway requirement. For special flood hazard areas which have a designated floodway, the following provisions apply:

1. Development is prohibited, including fill, new construction, and other development within the adopted regulatory floodway unless certification by a Colorado registered professional engineer is provided demonstrating that encroachment shall not result in any increase in flood levels (no rise) during the occurrence of the base flood discharge, or otherwise alter the floodway in a manner which will constrict the channel or increase erosion potential unless a FEMA-approved CLOMR that addresses the 44 CFR Part 65, Section 12 requirements or a County-approved Floodplain Modification Study are obtained.
2. If Section 4-3.5.D.1 above is satisfied, all new construction shall comply with all applicable Flood Hazard Reduction Provisions of Section 4-3.5.
3. For all floodplain and special flood hazard areas in which a regulatory floodway has not been designated, encroachments that would result in an increase of the base flood elevations more than one-half foot are prohibited, unless the provisions of 44 CFR Part 65, Section 12 are met, and until a regulatory floodway is designated.
4. For LOMRs on special flood hazard areas where the effective FIRM shows a one foot floodway, the one-half foot floodway will not be required until the entire drainageway is remapped at which time the revised map will show a one-half foot floodway.

**E. FLOOD FRINGE ENCROACHMENT (FILLING)**

The floodplain fringe is the portion of the 100-year floodplain that is not within (outside of) the regulatory floodway. Floodplain fringe filling reduces or eliminates valuable floodplain storage areas and the cumulative effect can have significant impacts on downstream properties. Reduction of floodplain storage areas can increase peak flow rates and associated base flood elevations downstream, even though there may be little impact at the site where the fill occurs. This practice may be contrary to the County's objective of precluding damage to life and property and is contrary to the County's objective of maintaining floodplains as open space. Encroachment in the flood fringe is only allowed for

approved uses listed in Section 4-3.5.A. For proposals considering flood fringe encroachment, the Floodplain Administrator shall consider the requirements of the Floodplain Chapter of the Stormwater Management Manual, as a minimum, and the following:

1. Encroachment of the floodplain fringe is strongly discouraged and will only be considered on a case by case basis.
2. The one-half foot floodway requirement is cumulative, and all proposals considering encroachment in the fringe, must consider the total cumulative impact based on historical and future encroachment on both sides of the drainageway.
3. When floodplain encroachment is allowed, a Floodplain Modification Study, or CLOMR, in accordance to the Floodplain Chapter of the Stormwater Management Manual and consistent with the scope of work shall be provided.
4. A Floodplain Development Permit shall not be issued for the construction of a new structure, redevelopment (substantial improvements) of an existing structure or addition to an existing structure on a property removed from the floodplain by issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), where the lowest floor elevation is placed below the Base Flood Elevation (BFE). For this situation, the lowest floor elevation must be two feet above the BFE (Freeboard) that existed prior to the placement of fill to receive an approved Floodplain Development Permit.
5. If the development does not maintain equivalent flood fringe and floodway volumes, the County may not support the proposal.

**F. UTILITIES**

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**G. RECREATIONAL VEHICLES**

The following standards are required for recreational vehicles placed on sites in floodplains or special flood hazard areas as established in Section 4-3.4.B:

1. Shall be located on-site for fewer than 180 consecutive days; or
2. Shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**H. EXISTING STRUCTURES IN FLOODPLAINS OR SPECIAL FLOOD HAZARD AREAS**

The construction standards contained in this Section shall apply only to substantial improvements or minor remodeling improvements (hereinafter referred to as "improvements") of existing legal, non-conforming structures, and to other development as permitted by the Floodplain Administrator. All uses of property in a floodplain or special flood hazard area shall comply with applicable floodplain regulations contained in this Code. It is the intent of the County that no new permanent structures be constructed in a floodplain or special flood hazard area and that all such existing legal, non-conforming uses



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cease upon obsolescence of existing non-conforming structures or be improved to meet the criteria set forth below.

**1. General**

The following provisions are required:

- a. Improvements are permitted for existing structures in the flood fringe but not in the floodway, provided those improvements meet the freeboard criteria in Section 4-3.5.C and do not increase the footprint of the structure.
- b. Improvements shall be designed (or modified) and adequately anchored to prevent floatation collapse or lateral movement of the improvement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- c. Improvements shall be constructed by methods and practices that minimize flood damage.
- d. Improvements shall be constructed with materials resistant to flood damage.
- e. Improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**2. Floodplain Development Permit Requirements**

In addition to the permit requirements described in Section 5-4.3.B.2 of these regulations, the following information is required, unless waived by the Floodplain Administrator:

- a. Elevation based on NAVD 88 (in relation to the mean sea level) of the lowest floor (including basement) of all substantially-improved structures;
- b. Elevation based on NAVD 88 (in relation to the mean sea level) to which any non-residential structure shall be floodproofed;
- c. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Section 4-3.5.H.4.
- d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- e. Maintain a record of all such information in accordance with Section 5-1.6.D.2.b.

**3. Residential Construction**

Substantial improvement of any residential structure in the floodplain or special flood hazard area shall have the lowest floor (including basement) elevated to or above the minimum freeboard requirement of two feet, described in Section 4-3.5.C. A registered Colorado Professional Engineer or land surveyor shall submit certification (Elevation Certificate) to the Floodplain Administrator that the standard of the section above, Section 4-3.5.H.2, has been satisfied.

**4. Non-Residential Construction**

Substantial improvement of any commercial, industrial, or other non-residential structure in the floodplain or special flood hazard area, shall either:

- a. Have the lowest floor (including basement) elevated to or above the minimum freeboard requirement of two feet, as described in Section 4-3.5.C, or
- b. Together with attendant utility and sanitary facilities, shall be floodproofed so that below the base flood level plus two feet of freeboard, the structure is watertight with walls substantially impermeable to the passage of water, and have structural

components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- c. A registered Colorado Professional Engineer or architect shall provide certification that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Section. The Floodplain Administrator shall keep records of these certifications (Floodproofing Certification).

**5. Enclosures.**

Improvements with fully enclosed areas below the lowest floor that are used solely for parking or vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or must meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit automatic entry and exit of floodwaters.

**6. Manufactured Homes**

Substantially-improved manufactured homes in an existing manufactured home park or subdivision, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home (including basement) is elevated to or above the minimum freeboard requirement of two feet, as specified in Section 4-3.5.C, and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. A registered professional engineer or architect shall provide certification to the Floodplain Administrator that the standard of this section and Section 4-3.5.H.2 are satisfied. In addition, the following specific requirements shall be met:

- a. Over-the-top ties must be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
- b. Frame ties must be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side; and
- c. All components of the anchoring system must be capable of carrying a force of 4,800 pounds.

**7. Shallow Flooding Areas (AO and AH Zones) Standards**

Areas designated as shallow flooding are located within special flood hazard areas, as established in Section 4-3.4.B. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be

evident. Such flooding is characterized by ponding or sheet flow. For areas of shallow flooding, the following provisions apply:

- a. Substantial improvements to residential or non-residential structures, shall have the lowest floor (including basement) elevated above the highest adjacent grade plus two feet above the depth number specified in feet on the Arapahoe County FIRM (at least four feet if no depth number is specified.).
- b. Adequate drainage paths are required around the structures on slopes to guide flood waters around and away from proposed structures.
- c. A registered professional engineer or land surveyor shall submit a certification to the Floodplain Administrator that the standards of Section 4-3.5.H.2 are satisfied.

**8. Critical Facilities**

The following standards apply to all critical facilities, as defined in Section 7-2, located in or adjacent to floodplains and special flood hazard areas.

**a. Protection of Critical Facilities**

The following provisions are required:

- i. New construction of critical facilities shall be located outside the floodplain or special flood hazard area, at a minimum. Placement of new critical facilities within the 500 -year floodplain is discouraged. The 500-year floodplain mapping shall be based upon the best available information, including floodplain studies produced by FEMA, UDFCD, CWCB, or other studies as approved by the County and accepted by the appropriate local, regional, state or federal agencies.
- ii. Change of use of a structure to a critical facility or substantial improvement of an existing critical facility in the floodplain shall include elevation of the lowest floor or flood-proofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation. Additionally, no increase in the footprint of the existing facility shall be allowed.

**b. Ingress and Egress for New Critical Facilities**

New construction of critical facilities, change of use of a structure to a critical facility, or substantial improvements of existing critical facilities shall, when practicable as determined by the County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

## 4-4 MINERAL RESOURCE AND GEOLOGIC HAZARD AREAS

### 4-4.1. Applicability

- A. Anyone proposing to begin development of a mineral resource extraction activity or development in an area containing mineral resources or geologic hazards shall submit to the platting process as outlined in the subdivision standards in Chapter 4 and the subdivision procedures in Chapter 5 and shall further submit all other evidence as required by the applicable regulations included in those Sections of these Regulations. No person shall engage in any mineral resource extraction activity or develop in any area mineral resource or geologic hazard areas without approval of a Final Plat and/or Final and Master Development Plan, or General or Specific Development Plan, Location and Extent or Use by Special Review Plan, whichever may be applicable.

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- B.** Hearings conducted for the purpose of approving development activities or development in Mineral Resource or Geologic Hazard areas shall be held in public following public notice of such meetings.
- C.** Any development activity which is to take place in an area not currently zoned for such activities shall also submit to the rezoning procedures outlined in these Regulations.

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## Chapter 5: Procedures

### 5-1 REVIEW AND DECISION-MAKING BODIES

This Section describes the review and decision-making bodies responsible for administering and enforcing this Land Development Code. The roles and functions of these bodies are described in the following Sections of this Chapter and Table 5-1.1.1, below.

#### 5-1.1. Review and Decision-Making Authority

##### A. TABLE OF REVIEW AND DECISION-MAKING AUTHORITY

Table 5-1.1 below states the respective roles and responsibilities of the Board of County Commissioners (“BOCC”), Planning Commission (“PC”), Board of Adjustment (“BOA”), and Public Works and Development (PWD) Department (“Staff”) in reviewing and acting upon zoning and land development applications made according to this Land Development Code.

TABLE 5-1.1.1: SUMMARY OF REVIEW AND DECISION-MAKING AUTHORITY AND PUBLIC HEARING AND NOTICE REQUIREMENTS													
R = Review; D = Decision; A = Appeal; * = Public Hearing; Pub = Publication in Newspaper; Mail = Mailing to Landowners; Sign = Sign Posting Yes = Required; No = Not Required						Pink Shaded Cell indicates neighborhood outreach may be required.							
Type of Application or Process	Reviewing or Decision-Making Body												
	Staff	PC				BOCC				BOA			
	Role	Role	Hearing Notices			Role	Hearing Notices			Role	Hearing Notices		
		Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign
<b>Zoning Procedures</b>													
Land Development Code Text Amendment	R	R*	No	No	No	D*	Yes	No	No				
Rezoning (Zoning Map Amendment/Conventional District)	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
Planned Unit Development - 3 Step													
General Development Plan	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
Specific Development Plan	R	D*	No	Yes	Yes								
Administrative Site Plan	D	A	No	Yes	Yes								
Planned Unit Development - 2 Step													
Specific Development Plan	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
Administrative Site Plan	D	A	No	Yes	Yes								
PUD Amendment - Major													
General Development Plan	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
Specific Development Plan													
3-Step	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
2-Step	R	D*	No	Yes	Yes								
PUD Amendment - Administrative	D	A	No	Yes	Yes								
Use by Special Review	R					D*	Yes	Yes	Yes				
Use by Special Review - Energy Facility w/ MOU	D or refer to BOCC					D* if referred	Yes	Yes	Yes				
Use by Special Review - Energy Facility no MOU	R					D*	Yes	Yes	Yes				
Use by Special Review Private Utility Company	R	R*	Yes	Yes	Yes	D*	Yes	Yes	Yes				
Type B Group Home	R	See Section 5-3.13				See Section 5-3.13							
WCF	D					A	No	Yes	Yes				

Chapter 5: Procedures  
5-1: Review and Decision-Making Bodies

TABLE 5-1.1.1: SUMMARY OF REVIEW AND DECISION-MAKING AUTHORITY AND PUBLIC HEARING AND NOTICE REQUIREMENTS													
R = Review; D = Decision; A = Appeal; * = Public Hearing; Pub = Publication in Newspaper; Mail = Mailing to Landowners; Sign = Sign Posting Yes = Required; No = Not Required							Pink Shaded Cell indicates neighborhood outreach may be required.						
Type of Application or Process	Reviewing or Decision-Making Body												
	Staff	PC				BOCC				BOA			
	Role	Role	Hearing Notices			Role	Hearing Notices			Role	Hearing Notices		
		Role	Pub	Mail	Sign	Role	Pub	Mail	Sign	Role	Pub	Mail	Sign
<b>Site Development Procedures</b>													
Administrative Site Plan - Non PUD	D	A	No	Yes	Yes								
Planned Sign Program	R	R*	No	Yes	Yes	D							
<b>Exceptions Procedures</b>													
Special Exception Use	R									D*	Yes	Yes	Yes
Temporary Structure	D												
Temporary Use Permit	D or refer to BOCC					D* if referred	No	Yes	Yes				
Appeal of Zoning Administrator Decision (Zoning Interpretation)	D									A*	No	No	Yes
Zoning Variance	R									D*	No	No	Yes
Airport Influence Area Waiver	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
<b>Subdivision Procedures</b>													
Preliminary Plat	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
Final Plat	R					D*	Yes	Yes	Yes				
Replat - Administrative	D												
Replat	R					D*	Yes	Yes	Yes				
Minor Subdivision	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
Vacation													
Right-of-Way	R					D*	Yes	Yes	Yes				
Public Easement or Plat	R					D	No	No	No				
<b>Amendments to Recorded Plats</b>													
Affidavit of Correction	D												
Plat Correction	D												
Subdivision Exemption	R					D or D*	Yes if *	Yes if *	Yes if *				
Rural Cluster Subdivision	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
Rural Cluster Subdivision Amendment													
Administrative Amendment	D					A							
Non-Administrative Amendment	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
Street Name Change	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes				
<b>Miscellaneous Procedures</b>													
Amendments to Existing Approvals													
Administrative Amendment (All Types)	D												
Administrative Amendment Appeal [1]	R		[1]				[1]						
Major or Non-Administrative Amendment	R		Same Requirements and Process as for Original Approval				Same Requirements and Process as for Original Approval						
Comprehensive Plan or Subarea Plan Adoption or Amendment	R	D*	See Comprehensive Plan Chapter 6										
Vested Rights	R					D*	Yes	Yes	No				
Development Agreement	R					D*	Yes	Yes	Yes				
Location and Extent	R	D*	No	Yes	Yes	A*	No	Yes	Yes				



Chapter 5: Procedures  
 5-1: Review and Decision-Making Bodies

**TABLE 5-1.1.1: SUMMARY OF REVIEW AND DECISION-MAKING AUTHORITY AND PUBLIC HEARING AND NOTICE REQUIREMENTS**

R = Review; D = Decision; A = Appeal; \* = Public Hearing;  
 Pub = Publication in Newspaper; Mail = Mailing to Landowners;  
 Sign = Sign Posting  
 Yes = Required; No = Not Required

Pink Shaded Cell indicates neighborhood outreach may be required.

Type of Application or Process	Reviewing or Decision-Making Body												
	Staff	PC				BOCC				BOA			
	Role	Role	Hearing Notices			Role	Hearing Notices			Role	Hearing Notices		
		Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign
1041 Permit	R	R*	Yes	Yes	Yes	D*	Yes	Yes	Yes				
Certificate of Designation	R	R	No	Yes	Yes	D*	Yes	No	Yes				
Title 32 District (Metro and Special)	R	R*	See Colorado Revised Statutes 32-1-201 Through 32-1-205			D*	See Colorado Revised Statutes 32-1-201 Through 32-1-205						
Title 30 District													
Public Improvement District													
Local Improvement District													
Park and Recreation District													
Cemetery District													
Voided/De-Annexed/Disconnected Land	R	R	No	No	No	D*	Yes	No	No				

[1] Unless otherwise indicated in this Table, appeals of staff decisions regarding a previous approval are reviewed by the original decision-making body for a decision, with the exception of administrative site plans which are appealed to the Planning Commission.

**5-1.2. Board of County Commissioners**

This Section describes the roles and responsibilities of the Arapahoe County Board of County Commissioners (“BOCC” or “Board”) in the administration and enforcement of this Land Development Code.

**A. BOCC FINAL DECISION-MAKING AUTHORITY**

The BOCC shall have the authority to make final decisions on the zoning and land development actions submitted according to this Code and shown in Table 5-1.1.1 above.

**B. BOCC – APPEAL AUTHORITY**

The BOCC shall have the authority to hear and decide appeals from final decisions taken on the zoning and land development actions submitted according to this Code and shown in Table 5-1.1.1 above, and also on the actions listed below:

1. Administrative decisions to reject the submittal of an application that is the same as or substantially similar to an application previously denied by the County.
2. Administrative decisions to deny the extension of an approval period applicable to a finally approved plan or plat.
3. Other administrative decisions or actions as specifically identified in this Land Development Code.

**5-1.3. Arapahoe County Planning Commission**

This Section describes the operation, roles and responsibilities of the Arapahoe County Planning Commission in the administration and enforcement of this Land Development Code.

**A. PLANNING COMMISSION—APPOINTMENT AND COMPOSITION**

1. The Board of County Commissioners shall appoint a Planning Commission. The members of the Board shall be ex officio members of the Planning Commission. Each member shall be a resident within the unincorporated areas of the County. Planning Commission members shall serve overlapping terms of three years.
2. The Planning Commission shall be comprised of seven regular members, and if the Board elects, additional alternate members as authorized by C.R.S. 30-28-103(3) in the event that any regularly appointed member of the Planning Commission is unable to attend a scheduled or official meeting due to illness, absence from the County, conflict of interest in a matter before the Commission, or other reasonable cause.

**B. OFFICERS**

1. The Planning Commission shall elect each year a Chairman and Chairman Pro Tem from among its regular members. The Planning Commission may create other officers, as it deems necessary.
2. The Board of County Commissioners may remove any member of the Planning Commission upon written notice. Vacancies shall be filled for the unexpired term in the same manner as in the case of the original appointments.

**C. PLANNING COMMISSION—RULES OF OPERATION AND CONDUCT**

**1. Rules and Procedures**

The Planning Commission shall adopt by-laws which address rules and procedures as it deems necessary for the proper conduct of its business, provided such rules and regulations are consistent with the rules contained herein and the statutes of the State of Colorado. A matter is deemed submitted to the Planning Commission on the date of the first public meeting at which the item is listed as an item for consideration.

**2. Meetings**

The Planning Commission shall establish regular meeting times and places as is necessary to properly and expeditiously process land use applications and other business of the Commission.

**3. Minutes**

Minutes of Planning Commission meetings shall be kept and shall be a public record.

**4. Quorum and Vote**

- a. Quorum. A quorum shall consist of four commissioners. In the event that one or more vacancies exist on the Planning Commission, a quorum shall consist of a simple majority of the filled seats.
- b. Vote. The majority vote of the Planning Commission quorum shall be necessary to forward any land use recommendation to the Board of County Commissioners. A tie vote is cause for a recommendation for denial. In the case of a Location & Extent and Comprehensive Plans and Amendments, the majority vote of the Planning Commission quorum shall be necessary to approve or deny such application.

**5. Planning Commission—Compensation**

The Planning Commission shall receive compensation in an amount determined by the Board of County Commissioners.

**D. PLANNING COMMISSION – DECISION MAKING AUTHORITY**

The Planning Commission shall have the authority to make final decisions on the zoning and land development actions submitted according to this Code and shown in Table 5-1.1.1 above.

**E. PLANNING COMMISSION—REVIEW AND RECOMMENDING AUTHORITY**

The Planning Commission shall have the authority to review and make recommendations to the BOCC or other decision-making body on the zoning and land development actions submitted according to this Code and shown in Table 5-1.1.1 above.

**5-1.4. Arapahoe County Board of Adjustment**

This Section describes the operation, roles and responsibilities of the Arapahoe County Board of Adjustment (BOA) in the administration and enforcement of this Land Development Code.

**A. MEMBERSHIP AND OPERATIONS**

**1. Appointment, Membership and Term**

- a. The Board of County Commissioners shall appoint a Board of Adjustment consisting of five regular members.
- b. Each of the five members shall be a resident within the unincorporated areas of the County.
- c. The Board of Adjustment members shall serve a term of five years, with one member of the Board of Adjustment being appointed each year so that no more than one member of the Board of Adjustment shall be appointed in any given year except as provided for in this Section. The existing Board of Adjustment shall constitute the first Board, and the expiration of the terms of the individual members of the present Board shall be fixed by the Board of County Commissioners.
- d. The Board of County Commissioners may remove any member of the Board of Adjustment upon written notice. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.

**2. Composition**

The Board of County Commissioners may appoint a maximum of five associate members of the Board of Adjustment for terms of office that shall correspond with the term of a regular member of the Board of Adjustment. In the event that any regular member is temporarily unable to act, the appointed associate member shall act in his/her place. An associate member, when acting as an alternate, shall be paid the same compensation as the regular member.

**3. Officers**

The Board of Adjustment shall elect a Chairman and Chairman Pro Tem from among its regular members. The Board of Adjustment may create other officers, as it deems necessary.

**4. Meetings**

Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such times as the Board deems necessary, in accordance with the rules of procedure. All meetings of the Board of Adjustment shall be open to the public.

**5. Quorum and Vote**

The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any County official, or to decide in favor of an applicant.

**6. Minutes**

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

**7. Compensation**

The Board of Adjustment shall receive compensation in an amount determined by the Board of County Commissioners.

**B. DECISION-MAKING AUTHORITY**

The BOA shall have the authority to make final decisions on the zoning and land development actions submitted according to this Code and shown in Table 5-1.1.1 above.

**C. APPEAL TO BOA OF A ZONING ADMINISTRATOR DECISION**

The BOA shall have the authority to hear and decide appeals from the final decisions of the Zoning Administrator taken on the zoning and land development actions submitted according to this Code and shown in Table 5-1.1.1 above.

**5-1.5. Advisory Review Committees**

The Board of County Commissioners may also establish advisory committees to review development applications as needed.

**5-1.6. Arapahoe County Staff**

This Section describes the operation, roles and responsibilities of Arapahoe County staff in the administration and enforcement of this Land Development Code, including staff from the Public Works and Development Department ("PWD") (e.g., Engineering Services and Planning Division Managers, Zoning Administrator, and Floodplain Administrator).

**A. PLANNING DIVISION MANAGER ROLES AND RESPONSIBILITIES**

The Manager of the Planning Division within the PWD Department ("Planning Division Manager"), including his or her designees, shall have the following powers and duties in the administration and enforcement of this Land Development Code.

**1. Decision-Making Authority**

The Planning Division Manager shall have the authority to make final decisions on zoning and land development actions as referenced in Table 5-1.1.1 above.

**2. Review and Recommend Authority**

The Planning Division Manager shall have the authority to review and make recommendations on the zoning and land development actions submitted according to the Code and shown in Table 5-1.1.1 above.

**3. Other Roles and Responsibilities**

Provide support for the Planning Commission, the BOA, and the BOCC on all planning, land use, subdivision, and zoning matters.

**B. ENGINEERING SERVICES DIVISION MANAGER ROLES & RESPONSIBILITIES**

The Manager of the Engineering Services Division within the PWD Department (“Engineering Services Manager”), including his or her designees, shall have the following powers and duties in the administration and enforcement of this Land Development Code.

**1. Decision-Making Authority**

The Engineering Services Manager shall have the authority to make final decisions on zoning and land development actions as referenced in Table 5-1.1.1 above.

**2. Review and Recommend Authority**

The Engineering Services Manager shall have the authority to review and comment on all land development and construction applications referred to the Engineering Services Division under this Code, and to provide specific comments and recommendations regarding the application’s compliance with this Code and related county policies, regulations, and construction standards and specifications.

**C. ZONING ADMINISTRATOR ROLES & RESPONSIBILITIES**

**1. Code Interpretations, Including Determinations of Unlisted Uses**

The Zoning Administrator shall have decision-making authority on all requests for interpretations of this Land Development Code, including determinations of unlisted uses, except as noted in Section 3-1.2. Uses not listed may be interpreted for inclusion in a specific zone district by the Zoning Administrator pursuant to a determination that such use is reasonably similar to those uses listed and is not contrary to the intent of the particular zone district.

**2. Building Permit Review for Code Compliance**

The Zoning Administrator shall review all applications for building permits for compliance with the zoning, development, and design standards of this LDC. The Zoning Administrator shall coordinate all applications for building permits with the Floodplain Administrator to determine if the proposed development is located in an area of special flood hazard.

**3. Floodplain Regulation Administration and Enforcement**

The Zoning Administrator, including his or her designee, shall be responsible for implementing and enforcing applicable floodplain management regulations, and shall comply with all reasonable rules and policies of the Floodplain Administrator related to this duty.

**4. Enforcement Authority**

The Zoning Administrator, and his or her designee, in consultation with the Planning Division Manager and with the Director of the PWD Department, shall be responsible for the enforcement of this Code through the powers and procedures set forth in this Land Development Code.

**D. FLOODPLAIN ADMINISTRATOR ROLES & RESPONSIBILITIES**

1. The Director of Public Works and Development (PWD), including his or her designee, is hereby appointed the Floodplain Administrator to administer and implement the Floodplain Management Regulations by granting or denying floodplain development permit applications in accordance with its provisions, and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations). The Floodplain Administrator shall designate an alternate to perform the functions of the Administrator during any period of unavailability.

2. Duties of the Floodplain Administrator shall include, but not be limited to the following:

**a. Permit Review**

- i. Review all applications for development permits, including applications for building permits and the placement of manufactured homes, to determine if the proposed development will be reasonably safe from flooding.
- ii. Review, approve, or deny all floodplain development permits as required by these regulations.
- iii. Review all permits for proposed development to ensure that all necessary permits have been obtained from those Federal, State or local government agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

**b. Recordkeeping**

Maintain and hold open for public inspection all records pertaining to the provisions of these regulations.

**c. Interpretation of Floodplain and Special Flood Hazard Area (SFHA) Boundaries**

Make interpretations, where needed, as to the location of the floodplain or SFHA boundaries (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

**d. Responsibilities with Regard to Alterations of Watercourses**

- i. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- ii. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**e. Floodplain Information and Determination**

- i. When base flood elevation data have not been provided in accordance with Section 4-3.4.B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodplain data available from a Federal, State, UDFCD or other source, to administer the provisions of Section 4-3.5. If adequate data are not available, the Floodplain Administrator shall require the applicant to provide additional data, survey data, other information and/or studies for review. When a regulatory floodway has not been designated, the Floodplain Administrator shall require the applicant to provide a floodway analysis defined by using the cumulative effect of the proposed development combined with all other existing and anticipated development such that there will not be a rise in the base flood by more than one-half foot.
- ii. In cases where there are multiple studies or conflicting base flood elevation data, the data which is most protective of the floodplains and special flood hazard areas and which restricts development will be used.

**f. Map Revisions**

- i. Under the provisions of 44 CFR, Part 65, Section 12 of the National Flood Insurance Program regulations, Arapahoe County may approve certain development in the SFHA (A zones) on the Arapahoe County FIRM which increases the water surface elevation of the base flood by more than one-half

- foot, provided that the an application for a Conditional Letter of Map Revision (CLOMR) is submitted to and approved by FEMA prior to final County approvals.
- ii. Letters of Map Revision Based on Fill (LOMR-F). The lowest floor elevation for any construction of a new structure, redevelopment (substantial improvements) of an existing structure or addition to an existing structure on a property removed from the floodplain by issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) will be required to meet the County’s freeboard standards, i.e. two feet above the Base Flood Elevation (BFE) that existed prior to the placement of fill.
- g. Enforcement**
- i. The Floodplain Administrator, working jointly with the Zoning Administrator, shall enforce the Floodplain Management Regulations and provisions for Flood Damage Prevention Standards.
  - ii. In addition to the remedies available for enforcement of Zoning Violations, Arapahoe County shall be entitled to enforce these regulations by all legal and equitable means allowed by law, including injunctive relief.
- h. Violations**
- Whenever the Floodplain Administrator determines that a violation of these regulations has occurred, may occur, or is threatened, the Floodplain Administrator shall be responsible for placing a temporary or permanent hold on further development permits, approvals and actions (including building permits, rezoning actions, subdivision actions, grading permits, and the like) to the extent necessary to prevent or remedy the violation, and for notifying affected County departments of this action. The hold shall remain in place until the property owner complies with these regulations.
- i. Variances**
- The Floodplain Administrator shall process variance requests from the Floodplain Management Regulations in accordance with Section 5-4.3.B.3.

### 5-1.7. Outside Agency Review

This section lists the outside agencies that may review and comment on zoning and land development applications made according to this Land Development Code. In addition, the County also uses these or other agencies as a resource during the review process. Publications and maps from these agencies also serve as a reference during the review process.

- A. Arapahoe County Engineering Services Division
- B. Fire Districts
- C. Water and Sanitation Districts
- D. Metropolitan Districts
- E. Special Districts
- F. Recreation Districts
- G. Home Owners Associations
- H. Urban Drainage and Flood Control District
- I. Southeast Metro Stormwater Authority
- J. Architectural Review Committees
- K. FEMA
- L. US Army Corps of Engineers

- M. The State Engineer's Office
- N. Colorado Geological Survey
- O. CDOT
- P. School Districts
- Q. Any other agency or group that may be impacted by the Development or deemed necessary by Arapahoe County staff.

## 5-2 COMMON PROCEDURES

### 5-2.1. Application Submittal and Approval Process

The following section outlines and describes the submittal and approval process for land development applications submitted to Arapahoe County.

#### A. WHO MAY FILE

1. An application for a zoning map amendment (rezoning) may be initiated by Arapahoe County Planning Commission, the Arapahoe County Board of County Commissioners, the owner of record, or by joint application of the owner of record together with a potential purchaser under a bona fide contract and/or agreement for sale.
2. The Board of County Commissioners shall have the power to condition approval of land use applications upon the receipt of signatures of additional persons with record interests in the land that is the subject of the land use application.
3. Signatures of persons that appear on a land use application or on a final version of an approved land development plan shall constitute such person's irrevocable consent to the action requested or reflected on or in the document.

#### B. APPLICATION PROCESS

1. **Pre-Submittal Meeting**
  - a. Applicants are required to meet with the Planning Division prior to formal submittal of a land development application in order to discuss potential issues or concerns relating to the proposed development. At this meeting, staff shall provide information to the applicant about the application requirements and review process.
  - b. A pre-submittal form must be completed and submitted with a sketch plan or map and documentation as listed in the Development Application Manual along with any required fees.
  - c. The pre-submittal form and all materials must be submitted at least five business days prior to the scheduled pre-submittal meeting with staff.
  - d. An application for the land development proposal discussed at the pre-submittal meeting must be submitted within six months of the pre-submittal meeting, otherwise a new pre-submittal meeting must be scheduled.
2. **Neighborhood Outreach**
  - a. Intent: Inform citizens of proposed land development projects, solicit citizen feedback and input, and provide land development applicants the opportunity to adjust plans prior to submitting land development application materials.
  - b. Neighborhood outreach will be held after the pre-submittal meeting and prior to submitting a land development application. Neighborhood outreach may be permitted prior to a pre-submittal meeting, but the applicant must justify this timing and must obtain proper permission from the Planning Division.



- c. Outreach shall be accomplished through a neighborhood meeting unless an alternative outreach format is approved by the Planning Division Manager. Meetings will be held at a location of the applicant's choosing, but will be near the proposed project site.
  - d. The minimum notice radius is 500 feet from the property boundary, and all property owners, neighborhood groups, and Homeowners' Associations within this radius must be notified. The Planning Division may expand or contract the notification boundary as appropriate to ensure adequate notice. The noticing timeline will mirror that of public hearing noticing; see Table 5-2.2.1 in the Land Development Code.
  - e. The applicant is responsible for submitting evidence of proper noticing and an outreach and/or meeting summary comprised of the specific requirements outlined in the Development Application Manual; see 1-2.2.
  - f. Staff will attend meetings at their discretion and as appropriate.
  - g. The Planning Division Manager has the authority to waive a typically required meeting, require a meeting for a case type other than those listed below, or approve a different neighborhood outreach format. Decision to waive or require a meeting will depend on relevant characteristics of the proposed land development project. Examples of relevant characteristics include but are not limited to: impact on infrastructure and services, compatibility with surrounding land uses, and effect on quality of life.
  - h. The Planning Division may require additional neighborhood outreach in the event of significant design changes, a lapsed pre-submittal application (valid for six months), or other relevant changes to the proposed land development project.
  - i. The following case types have the highest chance of impacting neighboring citizens and land uses, and are required to conduct neighborhood outreach prior to submitting a land development application. Application submittals will be considered incomplete and will not be accepted until neighborhood outreach has been conducted.
    - i. Zoning/Rezoning
    - ii. Planned Unit Development stages that establish or modify zoning
      - (a) Specific Development Plan for the two-step process
      - (b) General Development Plan for the three-step process
    - iii. Use by Special Review
    - iv. If deemed necessary by the Planning Division:
      - (a) Location and Extent
      - (b) Major Amendments to Planned Unit Development
      - (c) Subdivision: Preliminary Plat, Minor Subdivision, Replat
      - (d) Specific Development Plan: for the second step in a three-step Planned Unit Development and if more than three years have passed since initial document approval
      - (e) Other applications
  - j. Note: Comprehensive Plan Amendments require a neighborhood meeting; see Chapter 6 of the Comprehensive Plan for details.
3. **Application Submittal Materials**  
Following the pre-submittal meeting, the applicant must complete an application. Application materials may vary based on the type and complexity of the development

proposed, the location of the project, and the service availability to the project site. Submittal requirements for each type of Land Development Application can be found in the Arapahoe County Development Application Manual.

- a. All applications shall include the forms provided by the Planning Division and all required items indicated on the submittal checklist provided to the applicant at the pre-submittal meeting.
  - b. The applicant shall have the burden of submitting information showing that the application fulfills all applicable standards and requirements in the LDC, and the approval criteria of this Section.
  - c. Planning and/or Engineering Division Managers may waive or modify any portion of the submittal requirements that they determine is not relevant to the application, and may require the submittal of additional information (before or after referrals to other agencies and/or citizen comments) they determine is necessary to accurately understand the impacts of the proposed rezoning.
4. **Application Fee**
- a. The applicable development review fees shall be paid at the time of submittal of any development application. Development review fees are established by resolution by the Board of County Commissioners and are available on the county's website.
  - b. An applicant may submit a written request to the PWD Department for the waiver of all or a portion of required fees. The letter should set forth the extent of the waiver and the reasons for requesting the waiver.
  - c. The Planning Division Manager or designee will review the request and make a recommendation to the Board of County Commissioners. The County Commissioners will approve or deny the request based on a review of the evidence and the recommendation of the Planning Division Manager or designee.
5. **Application Intake Meeting**
- An application intake meeting with the planning case manager must be scheduled by an applicant when an application is ready to be submitted. All information and documentation identified at the pre-submittal meeting must be submitted, along with all required fees, in order for the application to be accepted. Incomplete applications, which includes incorrect fee amounts, will not be accepted.
6. **Completeness Determination**
- a. The Planning staff shall review the application form and materials submitted to determine if the application is complete and consistent with the standards set forth in this LDC.
  - b. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this LDC.
  - c. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet and the Submittal Checklist provided after the pre-submittal meeting, and is accompanied by the applicable fee.
  - d. If the application is determined to be incomplete, a written notice listing the application deficiencies shall be provided to the applicant. No further processing of an incomplete application shall occur until the deficiencies are corrected.
  - e. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be

submitted together with payment of applicable development review fees. It is a violation of this LDC to submit false or misleading information, or to obtain approval of any zoning map amendment (rezoning) based on false or misleading information, and approvals obtained based on such information may be revoked and other penalties imposed as permitted by this LDC.

**7. Referral**

After determination that an application is complete, the application shall be circulated within Arapahoe County and to outside agencies whose facilities or services may be affected by the application for review. Outside agencies may have service capacity limitations and separate requirements and standards for development that will be commented on during the referral process.

- a. Outside referral agencies are notified of applications and have the opportunity to respond in writing.
- b. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review.
- c. The typical referral period is up to 30 days depending on the size and complexity of the application. Referral periods vary by type of application and if different from the typical 30 days, it is noted in the application process for the particular application. The referral period may be extended by mutual consent of the applicant and the Planning Division Manager or designee.
- d. Failure of an agency to respond within the prescribed time period or extension period may be deemed "no objection" to the application materials as circulated for referral.

**8. Review and Coordination of Referral Comments**

Following referral agency review, the applicant and Arapahoe County staff will meet to discuss the application's compliance with the approval criteria for the type of application, the applicable standards of this LDC, and the requirements of referral agencies. Referral agency staff may be asked by Arapahoe County staff to attend the meeting.

**9. Revision of Application**

The Arapahoe County staff will determine the readiness of the application for a public hearing, if required for the type of application being processed.

- a. If Arapahoe County staff determines that the application is not ready for hearing and/or does not comply with the applicable criteria and standards in this LDC (regardless of whether a public hearing is required), the applicant will be requested to revise the application per County and outside referral agency comments. Revisions to the application must be submitted within six months of receiving staff comments.
- b. If a public hearing is required and the applicant chooses not to make the requested revisions, Arapahoe County staff may recommend that the application only be approved with conditions to bring it into compliance with applicable conditions, standards, and referral comments, or may recommend denial of the application.
- c. If the application involves an administrative approval and the applicant chooses not to make the requested revisions, Arapahoe County staff may deny the application or may approve the application with conditions to bring it into compliance with

applicable conditions, standards, and referral comments. If revisions are made, a decision on the application will be made according to Section 5-2.2 below.

- d. If an application has not yet received final approval and has been inactive for a period of 6 months, staff may contact the applicant by mail with a request for a resubmittal within 30 days. If a resubmittal is not possible within 30 days, staff will work with the applicant to establish a schedule for completion. If no agreement is reached, staff will initiate case closure procedures.

**C. NOTICE REQUIREMENTS**

1. For applications requiring a public hearing, once Arapahoe County staff determines that the application is ready to proceed, a reserved date will be set for a public hearing before Planning Commission. If the application is of a type that requires a public hearing before the Board of County Commissioners, then, following the Planning Commission hearing a reserved date will be set for a public hearing before the Board of County Commissioners.
2. The applicant shall be responsible for providing public notice prior to the Planning Commission and Board of County Commissioners hearings, including without limitation all notices to mineral estate owners required by C.R.S. 24-65.5-101 et. seq., in compliance with the public notice requirements in Section 5-2.2 of this LDC.
3. When the application is initiated by the Planning Commission or by the Board of County Commissioners, the owner(s) of record and/or contract purchaser(s) shall be notified by certified mail of the intended zone change. The Planning Commission and/or Board of County Commissioners shall comply with posting, publication, and hearing procedures.
4. If the application is of a type not requiring a public hearing, no notice requirements need to be met and after a determination of completeness, staff will schedule the application for review and/or approval with the Planning Commission and/or Board.

**D. REVIEW BY DECISION-MAKING BODY**

1. A staff report shall be prepared once written comments have been adequately addressed prior to the public hearing, public, meeting or administrative review, as applicable. The staff report shall be made available to the applicant and to the public.
2. If the application is of a type that requires a hearing or review by the Planning Commission, the staff planner shall schedule the application with the Planning Commission for a decision or recommendation. The applicant shall be notified of the hearing or meeting date and time. The staff report, application as revised, and the comments of the Planning and Engineering Division staff and appropriate referral agencies shall be presented to the Commission. The written decision or recommendation of the Planning Commission shall be provided to the applicant.
3. If the application is of a type that requires a hearing or meeting before the Board of County Commissioners, then, following the recommendation by the Planning Commission (if required), the staff planner shall schedule the application with the Board of County Commissioners for a decision. The applicant shall be notified of the hearing date and time. The staff report, application as revised, comments of the Planning and Engineering Division staff and appropriate referral agencies, and recommendations of the Planning Commission (if applicable) shall be presented to the Board.
4. If the application is of a type that requires a hearing before the Board of Adjustment, the staff planner shall schedule the application with the Board of Adjustment for a decision. The applicant shall be notified of the hearing date and time. The staff report,

application as revised, any comments of the Zoning, Planning and Engineering Division staff and appropriate referral agencies shall be presented to the Board.

**E. ADMINISTRATIVE ADJUSTMENTS<sup>404</sup>**

**1. Applicability**

- a. This Section authorizes the Planning Division Manager to make administrative adjustments to those development standards listed below during the review of an Administrative Site Plan for property in a standard (non-PUD) zoning district, Use by Special Review (“All”), Special Exception Use, Temporary Structure, Temporary Use, Preliminary Plat, or Minor Subdivision.
- b. An administrative adjustment may not be used for more than three contiguous lots (even if some of the contiguous lots were included in a previous approved administrative adjustment) or for an entire development or phase of development containing more than three contiguous lots.
- c. Applications to modify an existing approval or PUD SDP after initial approval or approval with conditions are not eligible for an administrative adjustment and are reviewed under Section 5-2.3 of this LDC.

**2. Process**

- a. A request for an administrative adjustment may only request the types of adjustment shown in Table 5-2.3.1, below.

<b>Table 5-2.3.1 ADMINISTRATIVE ADJUSTMENTS<sup>405</sup></b>	
<b>LDC Standard</b>	<b>Recommended Amount of Variation Permitted from LDC Before Approval</b>
<b>Development Standards</b>	
<b>Total Lot Coverage</b>	10%
<b>Minimum Building Setbacks in Table 4-4.1 in Section 4-1.1<sup>406</sup></b>	10%
<b>Maximum Building Height if Located More than 100 Feet From Residential Uses</b>	For property located west of the line shown in Figure 5-3.3-1 in Section 5-3.3.E.2: 5%  For property located east of the line shown in Figure 5-3.3-1 in Section 5-3.3.E.2: 10% <sup>407</sup>
<b>Minimum Off-Street Parking</b>	10%
<b>Minimum Lot Size<sup>408</sup></b>	10%

<sup>404</sup> New section that allows staff to approve administrative adjustments from LDC standards to accommodate unusual site, soil, topography, utility, and adjacency conditions without the need for a pre-decision notice or hearing.

<sup>405</sup> **STAFF:** We did not include adjustments for sign-related standards because we had not heard that is an issue for Arapahoe County. Should adjustments to sign height, number of signs, or total sign area be included in this table?

<sup>406</sup> Limits variation of building setbacks to the base principal structure and use minimum requirements in the Dimensional Standards summary table. Any minimum setbacks required for specific uses in the use-specific standards cannot be adjusted using administrative adjustments.

<sup>407</sup> The two categories mirror the PUD Thresholds in Section 5-3.3. Additional height allowance is proposed in the eastern, predominantly rural portion of the County.

<sup>408</sup> New.

<b>Table 5-2.3.1 ADMINISTRATIVE ADJUSTMENTS<sup>405</sup></b>	
<b>LDC Standard</b>	<b>Recommended Amount of Variation Permitted from LDC Before Approval</b>
<b>Minimum Lot Width<sup>409</sup></b>	10%
<b>Fair Housing Act</b>	
<b>Pursuant to a request for Reasonable Accommodation under the federal Fair Housing Amendments Act<sup>410</sup></b>	The minimum adjustment necessary for compliance with the federal Fair Housing Amendments Act, as determined by the Manager.

- b. A separate application for an administrative adjustment is not required. Instead, the requested administrative adjustment(s) shall be described in detail on the application of the Administrative Site Plan for property in a standard (non-PUD) zoning district, Use by Special Review (“All”), Special Exception Use, Temporary Structure, Temporary Use, Preliminary Plat, or Minor Subdivision.
  - c. The Planning Division Manager shall decide whether to approve, approve with conditions, or deny a request for an administrative adjustment pursuant to the criteria in Subsection 5-2.1.E.3 below.
- 3. Criteria for Approval**
- The adjustment meets all the criteria in Subsection a or Subsection b below.
- a. The adjustment:
    - i. Allows improved site or building design elements to be incorporated that are more consistent with the surrounding context; and
    - ii. Will adjust permitted development standards for no more than three contiguous lots; and
    - iii. Addresses a unusual site constraint or unusual requirement of the proposed use or building that is not common to other lots, uses, or buildings in the surrounding area; and
    - iv. Will have no material adverse impact on any abutting lot, or any material adverse impacts have been mitigated by conditions attached to the adjustment; and
    - v. Does not violate any conditions of approval specifically applied to development of the property by the Planning Commission or Board of County Commissioners.
  - b. The adjustment is required to comply with state or federal law, as determined by the County Attorney.
- 4. Approval or Denial of Administrative Adjustments**
- a. If approved or approved with conditions, the applicable adjustments and conditions shall be noted on the Administrative Site Plan for property in a standard (non-PUD) zoning district, Use by Special Review (“All”), Special Exception Use, Temporary Structure, Temporary Use, Preliminary Plat, or Minor Subdivision. If approval of the underlying application by another decision-making body is required, administrative adjustments approved or approved with conditions shall be part of the application to be reviewed and on which a decision is to be made by that decision-making body,

<sup>409</sup> New.  
<sup>410</sup> New.

and the decision-making body in making its decision on the application shall not condition its approval on removing or modifying an administrative adjustment approved by the Planning Division Manager.

- b. Decisions to approve or deny an Administrative Adjustment are not appealable, but the decision or approval that includes an Administrative Adjustment is appealable if allowed by the specific procedure in this LDC.

**F. DECISION AND FINDINGS**

1. The decision-making body (see Table 5-1.1.1) shall consider the application and the staff report, comments received from referral agencies and the public, public hearing testimony and other evidence (as applicable) and the applicable approval criteria in this LDC. After consideration and at the public hearing (if applicable), the decision-making body may, as appropriate to the particular application:
  - a. Approve;
  - b. Approve with conditions;
  - c. Continue to a date certain (subject to statutory time limits);
  - d. Take the request under advisement to a date certain for a decision (subject to statutory time limits); or
  - e. Deny the application.
2. The decision-making body may use standard conditions of approval and standard motions for approval, which incorporate other requirements, conditions, limitations or restrictions.
3. The decision shall be based upon the evidence presented at the public hearing (if applicable), the record relating to the application, and the standards and criteria set forth in the applicable section of this LDC.
4. Upon action by the decision-making body, the applicant and/or duly appointed representative will be notified of the decision as soon as practicable.
  - a. Copies of the Board of County Commissioners' resolution, if applicable, may be obtained at the office of the Clerk and Recorder.
  - b. The official County Zoning Map will be revised to reflect the zoning map amendment, as applicable, after date of the final approval by the Board of County Commissioners.
  - c. Copies of the Planning Commission's decision, if applicable, may be obtained at the Planning Division.
  - d. Administrative decisions shall be in writing and may be obtained at the Planning Division.

**G. DENIAL OR WITHDRAWAL AND REAPPLICATION**

1. The Planning Division Manager may allow an application to be withdrawn, without prejudice, at any time during the process.
2. If an application is denied, the submittal of an application for the same or substantially the same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one year period from the date of such denial. Appeals to the Planning Division Manager's decision shall be made to the decision-making body denying the original application. This limitation only applies to Conventional Rezoning, General Development Plans, Specific Development Plans, Final Plats, Minor Subdivisions, Rural Cluster Subdivisions, Full Replats, Subdivision Exemptions, Uses by Special Review, and Right-of-way Vacations.

3. If denied by the decision-making body, the submittal of a new application and development review fee shall be required in order to pursue the proposed development.

**H. LAPSE OF APPROVAL THROUGH INACTION**

1. If all required documentation is not submitted within 60 days of the approval of an application by the approving authority for that application, the application will be considered inactive and the applicant will be sent a notice that if submittal is not received within 30 days of the date of the notice, staff will take necessary steps to void the approval and close the case file. Reactivation will require a resubmittal.
2. Resubmittals are subject to all development review fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Division.

**I. EXTENSIONS**

1. The Planning Division Manager or Designee may grant extensions of time to comply with specific deadlines in this Chapter 5 for up to 12 months, upon a written request by the applicant or staff for good cause shown. Good cause may include but not be limited to: signatories are out of state or country, or a major change was requested by the Board of County Commissioners.
2. An extension request shall include the required extension fee. Requests for extension may result in delays in completing the County's portion of the application referral, review and approval process. Additional review of the application may occur based on changes in the application or administrative or regulatory procedures, resulting in additional conditions being recommended or included in any approval.
3. The denial of an extension by the Planning Division Manager may be appealed to the original approving body in writing within 10 working days of the decision by the Planning Division Manager.

**J. APPROVED DOCUMENT SUBMITTAL AND RECORDING REQUIREMENTS AND PROCEDURES**

1. Unless other requirements are established in the individual application types described in Part 2 of the Development Application Manual, all development applications require the submittal of mylars (or equivalent) for signature by the representative of the decision-making body. All mylars submitted must meet the standards established in the Development Application Manual, Part 5.
2. Applications for which recording of exhibits and/or documents with the County Clerk and Recorder are:
  - a. Final plat
  - b. Minor subdivision
  - c. Cluster subdivision plat and Final Site Analysis Map
  - d. Administrative or full replat
  - e. Affidavit of correction
  - f. Correction plat
  - g. Easement vacation
  - h. Right-of-way vacation
  - i. Plat vacation
  - j. Subdivision Exemption
  - k. Development Agreement



3. Documents requiring recording will be recorded in the Office of the Arapahoe County Clerk and Recorder. The recording of an approved plat and any associated exhibits and documents, such as right-of-way vacations or easements, shall occur within 90 days after approval by the decision-making body or the approval shall be voidable (See subsection 5-2.1.H.1.) An extension may be granted in writing by the Planning Division Manager pursuant to Section 5-2.1.I.
4. Within 60 days of approval of the application requiring submittal of mylars (those to be recorded and those not to be recorded), unless stated otherwise in such approval, the Applicant shall submit a photographic mylar or equivalent of the approved plan or plat, or a clean, unmarked paper copy if a document, except for the signature of the representative of the decision-making body. In addition, all required documentation and recordation fees are required with the final mylar submittal. (Refer to the Part 5 of the Development Application Manual for standards for preparing mylars)
5. The Applicant shall provide proof to the PWD Department that adequate security has been provided to cover the improvement costs (if applicable) in accordance with the requirements of the Arapahoe County Roadway Design and Construction Standards, or letter of credit as required.
6. The Applicant shall provide ownership information, current with 30 days of the application submittal, that includes the following:
  - a. Owner information.
  - b. Property legal description.
  - c. Effective date of document (to confirm it meets the 30-day requirement).
  - d. Encumbrances/Schedule B items.
  - e. Hyperlinked connections to documents referenced in the report.
7. The Applicant shall provide a warranty deed for on- and off-site County land dedication required as a condition of approval of the plat (if applicable).
8. No plat shall be recorded until the Board of County Commissioners has approved a Subdivision Improvement Agreement as necessary.
9. No plat shall be recorded and no other plan shall be approved unless all delinquent taxes and special assessments on the subject property have been paid. The applicant shall provide evidence satisfactory to County staff that all taxes and assessments have been paid.
10. Within 30 days of receipt of the plat and associated exhibits and documents, the staff planner shall obtain the signature of the Board Chairman, attested by the Clerk and Recorder, and will record the Final Plat.

**K. REQUIREMENTS FOR PERMITS OR OTHER PLANS AFTER APPROVAL**

1. Approval of a zoning map amendment (rezoning), PUD general or specific development plan, subdivision plat, administrative site plan, use by special review, special exception use, location and extent, or temporary use does not give the applicant authority to build or commence any site improvements. Other required approvals and permits from the County and outside agencies must be obtained by the applicant prior to development of the site.
2. An application for an Administrative Site Plan under a Rezoning Plan may be submitted only after the Rezoning Plan or PUD Specific Development Plan, and any necessary subdivision plat, are approved and all required documents have been submitted and recorded (as applicable). Staff may authorize concurrent review of the Administrative

Site Plan once a Rezoning Plan has been recommended favorably by Planning Commission.

3. An application for an Administrative Site Plan on land that has not been subdivided may be submitted concurrently with a subdivision application.
4. Building permits may not be issued until an Administrative Site Plan is approved and all required documentation is submitted (and recorded, if applicable).

### 5-2.2. Public Notice Requirements

Table 5-2.2.1 and the following section outlines and describes the requirements for public noticing of each type of development application. Hearing notice requirements must be followed in order to ensure hearings will occur on the scheduled date(s). At the time an item is scheduled for public hearing the Planning Division office will mail applicants the mailing and sign posting requirements with specific information regarding individual proposals, along with forms certifying the completion of the mailing and posting. Applicants are encouraged to contact the Planning Division office with any questions. As indicated in Table 5-2.2.1, mailing and sign posting requirements are the responsibility of the applicant or the applicant's representative. Errors in posting will postpone a public hearing, so accuracy is crucial.

Chapter 5: Procedures  
5-2: Common Procedures

TABLE 5-2.2.1 PUBLIC HEARING NOTICE REQUIREMENTS												
Blue Shaded Cell Indicates Applicant Responsibility						Pink shaded cell indicates neighborhood outreach may be required						
Type of Application	Administrative Review			PC Hearing			BOCC Hearing			BOA Hearing		
	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign
<b>Zoning Applications</b>												
LDC Text Amendment							15 days prior to hearing					
Zoning Map Amendment (Conventional Rezoning)				Not Required	Adjacent property owner(s); 15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	Adjacent property owner(s); 15 days prior to hearing	15 days prior to hearing			
Zoning Map Amendment Initiated by County				15 days prior to hearing	Affected property owner(s); 15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	Property owner(s); 15 days prior to hearing	15 days prior to hearing			
<b>PUD Zoning - 3 Step</b>												
General Development Plan & General Development Plan - Major Amendment				Not Required	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Specific Development Plan & Specific Development Plan - Major Amendment				Not Required	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing						
<b>PUD Zoning - 2 Step</b>												
Specific Development Plan & Specific Development Plan - Major Amendment				Not Required	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Use by Special Review							15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Use by Special Review - Energy w/ MOU (hearings only required if referred by PWD director or appealed)	Adjacent property owners; Min. 30 days prior to filing application		At time of filing application				15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Use by Special Review - Energy w/out MOU							15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Use by Special Review Private Utility Company				15 days prior to hearing	Property owners within 500 feet; 15	15 days prior to hearing	15 days prior to hearing	Property owners within 500 feet; 15	15 days prior to hearing			

Chapter 5: Procedures  
5-2: Common Procedures

TABLE 5-2.2.1 PUBLIC HEARING NOTICE REQUIREMENTS												
Blue Shaded Cell Indicates Applicant Responsibility						Pink shaded cell indicates neighborhood outreach may be required						
Type of Application	Administrative Review			PC Hearing			BOCC Hearing			BOA Hearing		
	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign
						days prior to hearing			days prior to hearing			
Type B Group Home WCF[2]	If within 500' of residentially zoned property, neighborhood meeting required. Property owners within 500' (or larger area determined by PD Manager) notified by mail 15 days prior to meeting.			See Section 5-3.6			See Section 5-3.6					
								15 days prior to appeal hearing		Property owners within 500 feet; 15 days prior to appeal hearing	15 days prior to appeal hearing	
<b>Site Development Applications</b>												
Admin Site Plan - Non PUD												
Administrative Site Plan Appeal / ASP Amendment Appeal				Not Required	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing						
Planned Sign Program					Adjacent property owners; 15 days prior to hearing	15 days prior to hearing						
<b>Exceptions Applications</b>												
Appeal of Zoning Administrator Decision (Interpretation)										Not Required	Not Required	15 days prior to hearing
Zoning Variance										Not Required	Not Required	15 days prior to hearing
Waiver - Airport Influence Area				Not Required	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Special Exception Use										15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing
Temporary Use							Not Required	If referred to BOCC - adjacent property owners; 10 days prior to hearing	If referred to BOCC - 10 days prior to hearing			
<b>Subdivision Applications</b>												
Preliminary Plat				Not Required	Adjacent property owners; 15 days	15 days prior to hearing	15 days prior to hearing	Adjacent property owners; 15	15 days prior to hearing			

Chapter 5: Procedures  
5-2: Common Procedures

TABLE 5-2.2.1 PUBLIC HEARING NOTICE REQUIREMENTS												
Blue Shaded Cell Indicates Applicant Responsibility												
Pink shaded cell indicates neighborhood outreach may be required												
Type of Application	Administrative Review			PC Hearing			BOCC Hearing			BOA Hearing		
	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign
Final Plat, Replat						prior to hearing			15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing	
Replat - Administrative												
Minor Subdivision				Not Required	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Vacation												
Right-of-Way							15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Plat or Easement												
Amendments to Recorded Plats												
Affidavit of Correction												
Correction Plat												
Subdivision Exemption							15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Street Name Change				Not Required	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing	15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Rural Cluster Subdivision (Hearing may be Requested by BOCC) & Major Amendment to Rural Cluster Subdivision				15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing	If Requested; 15 days prior to hearing	If Requested; Adjacent property owners; 15 days prior to hearing	If Requested; 15 days prior to hearing			
<b>Miscellaneous Applications</b>												
Amendments to Existing Approvals												
Administrative Amendment												
Administrative Amendment Appeal [1]				Same as for Original Approval			Same as for Original Approval					
Major Amendment				Same as for Original Approval			Same as for Original Approval					
Comprehensive Plan or Sub-area Plan Adoption or Amendment				Refer to Comprehensive Plan, Chapter 6								
Location and Extent				Not Required	Adjacent property owners; 15 days	15 days prior to hearing	Not Required	Adjacent property owners; 15 days	15 days prior to hearing			

Chapter 5: Procedures  
5-2: Common Procedures

TABLE 5-2.2.1 PUBLIC HEARING NOTICE REQUIREMENTS												
Blue Shaded Cell Indicates Applicant Responsibility												
Pink shaded cell indicates neighborhood outreach may be required												
Type of Application	Administrative Review			PC Hearing			BOCC Hearing			BOA Hearing		
	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign
1041 Permit				15 days prior to hearing	Property owners within 500 feet or larger area as determined by PD Manager; 15 days prior to hearing	15 days prior to hearing	Not less than 30 days nor more than 60 days prior to hearing	Property owners within 500 feet or larger area as determined by PD Manager; not less than 30 days nor more than 60 days prior to hearing	Not less than 30 days nor more than 60 days prior to hearing			
Vested Property Rights							15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Development Agreement							15 days prior to hearing	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing			
Certificate of Designation				Not Required	Adjacent property owners; 15 days prior to hearing	15 days prior to hearing	At least 10 but no more than 30 days prior to hearing	Not Required	On site: at least 30 days prior to hearing At County offices: at least 30 days prior to hearing			
Title 32 District				See Colorado Revised Statutes 32-1-201 Through 32-1-205			See Colorado Revised Statutes 32-1-201 Through 32-1-205					
Title 30 District												
Public Improvement District				See Colorado Revised Statutes 30-2-501 Through 30-2-805			See Colorado Revised Statutes 30-2-501 Through 30-2-805					
Local Improvement District												
Park and Recreation District												
Cemetery District												
Voided / De-Annexed / Disconnected Land							15 days prior to the hearing					

[1] Unless otherwise indicated in Table 5-1.1.1, appeals of staff decisions regarding a previous approval are reviewed by the original decision-making body for a decision, with the exception of administrative site plans which are appealed to the Planning Commission.

TABLE 5-2.2.1 PUBLIC HEARING NOTICE REQUIREMENTS												
Blue Shaded Cell Indicates Applicant Responsibility						Pink shaded cell indicates neighborhood outreach may be required						
Type of Application	Administrative Review			PC Hearing			BOCC Hearing			BOA Hearing		
	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign	Pub	Mail	Sign
[2] Excluding any application for an Eligible Facilities Request. <sup>411</sup>												

**A. SIGNS**

**1. Sign Posting**

- a. Posting of property for public hearings shall be the responsibility of the applicant.
- b. Sign posting is required for the applications as shown in Table 5-1.1.1.

**2. Sign Requirements**

- a. Staff will inform you of the location and number of signs required for each proposal.
- b. All signs must be posted at least 15 days prior to the scheduled public hearing.
- c. The applicant must take a legible photograph of the sign and submit it immediately upon posting the property to the Planning Case Manager.
- d. The applicant must also present the "Certificate of Posting" form, with photo, to the Case Manager no later than noon (12:00) on the Monday prior to the hearing. Failure to present "certificate of posting" form will result in rescheduling.

**3. Sign Specifications**

- a. A sign not less than three feet by four feet erected on posts with no portion of the sign lower than four feet above natural grade and legible from the nearest dedicated public right-of-way.
- b. Title of sign (Notice of ... etc.) and Case No. must be in four-inch letters in red. (Balance of sign must be two-inch black letters on white background.) Please advise your printer that the signs must read exactly as shown on the instruction sheet; otherwise, the Planning Division cannot accept the signs as proper posting.
- c. Said sign shall be removed within two weeks of the conclusion of all public hearings.
- d. The sign shall be posted on the property upon which the proposal is requested for a period of at least 15 days prior to hearing. See the Development Application Manual, Part 7, for required wording for public notice signs.

**B. MAIL**

**1. Mail Notification Provisions**

- a. Pursuant to Resolution #787-95A (effective June 19, 1995), the Board of County Commissioners adopted revisions to the County Zoning Regulations which include a "mail notification" requirement for all land development procedures requiring public hearings.
- b. Mail Notification for public hearings shall be the responsibility of the applicant.
- c. Staff will provide instructions for the mailing notification once a hearing date is set.
- d. Mail Notification is required for the applications as shown in Table 5-1.1.1.

**2. Requirements**

- a. Applicants are to mail, First Class, a Notice of Public Hearing to the Owner(s) of Record, at the time of application, of property located adjacent to the subject property.

<sup>411</sup> New. Aligns with updates within WCF procedural standards.

- b. Adjacent is to include those properties separated from the subject property by public right-of-way.
- c. The Planning Division may expand or contract the notification boundary as appropriate to ensure adequate notice.
- d. The Notice shall be mailed no later than 15 days prior to the Public Hearing.

### 3. Mail Notification Preparation

#### a. List of Property Owners

Applicants must obtain and submit a list of surrounding property owners to the Planning office. (Property information may be obtained from the Arapahoe County online mapping system.) This list is to include in its title a reference to the name of the proposal and type of application being requested. Two sets of information are to be included in the list:

- i. First, the full name and mailing address for each surrounding property owner.
- ii. Second, the Assessor's AIN or PIN for each property owner's parcel of ground.

#### b. County Assessor's Map

Acquire a copy of the County Assessor's Map(s) which depicts the subject property (copies can be purchased in the Mapping Division or may be created using our online mapping system). Graphically highlight all parcels of ground for which the owners of record are to receive mail notification. Include a copy of this map, no larger than 11 by 17 inches in size, when you submit the mailing list. (Note: A copy of the map will help the Assessor's Office assist you in compiling a mailing list).

#### c. Mailing List Review

- i. After an application has been accepted, staff will review the mailing list and area of notification for adequacy. The applicant will promptly be notified if any changes are required. After a case has been scheduled for a public hearing, staff will mail the applicant the format for the letter notifying surrounding property owners.
- ii. See the Development Application Manual for a sample public notice letter.
- iii. Applicants shall submit a signed copy of the mailed letter to the PWD Department no later than noon (12:00) on Monday prior to the hearing.
- iv. A notarized certification shall be attached to the letter. Format for this certification is in Section 6-2 of the Development Application Manual.

## 5-2.3. Amendments to Existing Approvals

### A. APPLICATION FOR AMENDMENTS

1. Except as stated in subsection 5-2.3.A.2 below, amendments to an existing approval requires the signature of all current owners of the property for which the amendment is requested.
2. Amendments to an existing PUD Development Plan require either the signature of all current owners within the PUD, or in cases where the obtaining the signature of all such owners is not reasonably feasible, the signature of the owners(s) of the land where the proposed amendments would apply.
  - a. For proposed amendments where it is not reasonably feasible to obtain the signature of all of the current owners within the PUD, the Planning Division





- ii. No decrease in setbacks greater than 10 percent.
  - iii. No increase in residential density within any residential area shown on a PUD SDP.
  - iv. No increase in total gross floor area of non-residential uses (commercial, industrial, office, or public) greater than 10 percent.
  - v. No consolidation of non-residential floor area into one building resulting in a building containing more than 100,000 square feet of gross floor area that was not shown on a PUD SDP.
  - vi. No increase in building height within 100 feet of residential property lines.
  - vii. No increase in building height greater than five percent where the building is located more than 100 feet from residential uses.
  - viii. No decrease in off-street parking that results in off-street parking being more than 10 percent below the parking standards of this LDC.
  - ix. No change to an area of the PUD SDP or prior approval for the property greater than five acres in size. The Planning Manager may waive the size limitation upon a determination that the proposed amendment and area to be amended has no significant impact to the surrounding land uses and no change in intent of the PUD or prior approval for the property.
- c. Open Space/Buffers**
- i. No change in the location of or access to allowed on open space.
  - ii. No decrease in open space.
  - iii. No decrease in the width of buffer areas adjacent to residential zone districts.
- d. Utilities/Infrastructure**
- i. No changes to of backbone infrastructure that would affect any property other than the applicant's property.
  - ii. No change in connections to off-site infrastructure unless a letter from the service provider states that the relocation of the connection does not require additional off-site improvements and does not change the ability of the service provider to adequately serve the development.
  - iii. No change in the location of access points to arterial or collector roads external to or within the development by more than 25 feet unless the Engineering Division determines there is no practical alternative to the change due to terrain or engineering considerations.
- e. Location**
- No change to any area of a PUD SDP that is adjacent to a residential zone district that was not included in the boundaries of the original PUD GDP or SDP approval.
- f. Ordinances**
- No conflict with the standards and requirements of this LDC or any applicable resolutions or ordinances.
- g. Cumulative Effect**
- The criteria listed in this section apply to the cumulative effect of the proposed amendment together with all administrative adjustments previously approved for the parcel. For example, an Administrative Site Plan that has previously received an Administrative Amendment to exceed the original lot coverage limit by four percent may not receive an additional Administrative Amendment that would increase lot coverage more than an additional six percent above the originally approved lot

coverage limit, for a cumulative total adjustment of 10 percent compared to the original PUD SDP approval.

**2. Approval Procedure**

- a. Applications shall follow the application submittal and review process outlined in Section 5-2.1.B.
- b. When all staff and referral agency issues have been resolved to the satisfaction of staff, the Planning Division Manager may approve the Administrative Amendment if the approval criteria, below, are met.

**3. Approval Criteria**

An Administrative Amendment may be approved by the Planning Division Manager provided the amendment:

- a. Meets the conditions listed in Section 5-2.3.B.1 above;
- b. Does not result in a change to the overall character or intent of the PUD or prior approval for the property;
- c. Will not materially interfere with the development or use of adjacent lands or public interest; and
- d. Will not pose a danger to the public health or safety.

**C. MAJOR AMENDMENTS**

- 1. The following types of amendments may not be approved as Administrative Amendments, but must be approved as Major Amendments.
  - a. An amendment to a PUD SDP, Use by Special Review, Location & Extent, Administrative Site Plan or other prior approval for the property that does not meet the criteria for approval as an Administrative Amendment in Section 5-2.3.B.1; and
  - b. All amendments to a PUD GDP.
- 2. All Major Amendments shall be processed, reviewed, and approved under the same procedures as required for the original GDP, SDP, or other approval being modified.

## 5-3 ZONING PROCEDURES

### 5-3.1. Code Text Amendments

After study and recommendation by the Planning Commission, and upon public hearing, this LDC may be amended by the Board of County Commissioners.

### 5-3.2. Rezoning (Zoning Map Amendment/Conventional Zone District)

**A. INTENT**

To provide a process to amend the Zoning Map of any zoning district. A rezoning plan is required whenever a rezoning is proposed from one zone district to another zone district. Therefore, a rezoning process has been established, in accordance with the Administrative Provisions of this document, to provide for the review of land use and/or development criteria revision requests.

**B. APPROVAL CRITERIA**

The criteria listed below shall be considered by the Planning Commission and Board in the review of all rezoning applications. All rezoning applications must meet the following standards:

1. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.
2. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.
3. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.
4. Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.
5. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
6. Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.
7. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.
8. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.
9. Enhance the useable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.
10. Ensure the application complies with the requirements of this Resolution and is in general conformance with the Arapahoe County Comprehensive Plan.

**C. GENERAL PROVISIONS**

1. All zone categories remain subject to further regulation by Arapahoe County except to the extent of legally enforceable vested rights.
2. Amendments to the requirements, uses and standards of conventional zone districts will not automatically affect the requirements, uses and standards of already zoned property, unless so stated in the amendment or in subsequent amendments.

**D. GENERAL PROCEDURES**

**1. Application Process**

Applications for Zoning Map Amendments involving conventional zone districts (Rezoning) shall follow the application process outlined in Section 5-2.1.B.

**2. Notice Requirements**

- a. Once Arapahoe County staff determines that the application is ready to proceed, a date will be set for a public hearing before Planning Commission. Following the Planning Commission hearing a date will be set for a public hearing before the Board of County Commissioners.
- b. The applicant shall be responsible for providing public notice prior to the Planning Commission and Board of County Commissioners hearings, including without

limitation all notices to mineral estate owners required by C.R.S. 24-65.5-101 et. seq., in compliance with the public notice requirements in Section 5-2.2 of this LDC.

- c. When the application is initiated by the Planning Commission or by the Board of County Commissioners, the owner(s) of record and/or contract purchaser(s) shall be notified by certified mail of the intended zone change. The Planning Commission and/or Board of County Commissioners shall comply with posting, publication, and hearing procedures.

### 3. Public Hearings

- a. A staff report shall be prepared once written comments have been adequately addressed prior to the public hearing. The staff report shall be made available to the applicant and to the public.
- b. The staff planner shall schedule the application with the Planning Commission for public hearing and recommendation. The staff report, application as revised, and the comments of the Planning and Engineering Division staff and appropriate referral agencies shall be presented at the public hearing. The written decision or recommendation of the Planning Commission shall be provided to the applicant.
- c. Following the recommendation by the Planning Commission, the staff planner shall schedule the application with the Board of County Commissioners for public hearing and decision. The applicant shall be notified of the hearing date and time.

### 4. Decision and Findings

- a. The Board of County Commissioners shall consider the application and the staff report, comments received from referral agencies and the public, public hearing testimony and other evidence (as applicable) and the applicable approval criteria in this LDC. After consideration and at the public hearing (if applicable), the Board may:
  - i. Approve;
  - ii. Approve with conditions;
  - iii. Continue to a date certain (subject to statutory time limits);
  - iv. Take the request under advisement to a date certain for a decision (subject to statutory time limits); or
  - v. Deny the application.
- b. The Board of County Commissioners may use standard conditions of approval and standard motions for approval, which incorporate other requirements, conditions, limitations or restrictions.
- c. The decision shall be based upon the evidence presented at the public hearing, the record relating to the application, and applying the standards and criteria set forth in Section 5-3.3.F.

## 5-3.3. Planned Unit Development

### A. PURPOSE

The purpose of the Planned Unit Development (PUD) zone district is to allow greater flexibility in development standards of Arapahoe County, prevent monotonous urban landscapes and promote the health, safety and welfare of the citizens of Arapahoe County. The PUD rezoning process allows new design concepts for land development and the ability to adjust to current trends in lifestyle and commerce that could not be achieved by strict adherence to the standards of this LDC. The intent is to create high quality residential,

mixed-use or commercial developments and employment centers and to allow greater flexibility in project design in return for greater development quality, amenities, and protection of nearby properties from the impacts of new development. A rezoning to PUD may be approved pursuant to the procedures and approval criteria of this Section, and must generally conform with the Arapahoe County Comprehensive Plan.

**B. APPLICABILITY**

**1. General Applicability**

An application to establish a Planned Unit Development (PUD) may be submitted for land located within any conventional zone district or combination of districts. The approval of a PUD creates a new zone district that replaces the existing zone district or combination of zone districts. The approved PUD establishes the location and character of the uses and the unified development of the tract(s).

**2. Transition from Prior PUD Approvals**

- a. PUDs and related Preliminary Development Plans (PDP), Final Development Plans (FDP), Master Development Plans (MDP), Administrative Site Plans (ASP), amendments to those documents, and building permits for construction in an existing approved PUD based on those documents, that were approved on or before April 1, 2017, shall remain valid under the previous PUD regulations.
- b. A PDP or FDP approved prior to April 1, 2017 that has a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may be considered an approved SDP. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to SDPs under this Chapter.
- c. A PDP or FDP approved prior to April 1, 2017 that does not have a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may be considered an approved General Development Plan (GDP) under this Chapter. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to GDPs under this Chapter.
- d. Where a PDP or FDP approved prior to April 1, 2017 lists specific permitted uses, the Planning Division Manager may approve a change from those land uses to other land uses within the same general land use category (e.g. single-family residential, multi-family residential, commercial, public) provided that the Planning Division Manager finds that the proposed substitute use is consistent with the intended character of the approved PDP or FDP, does not represent an intensification of the height, density, or traffic, does not create significant adverse impacts on surrounding land uses, and meets all applicable standards of the LDC applicable to the substitute land use.
- e. PDPs and FDPs with valid approvals or permits may be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future applications, permits, and related development shall comply with the requirements of this Code.

- f. Applications filed after April 1, 2017 requesting amendments to PDPs, FDPs, MDPs, and ASPs approved before April 1, 2017 shall be processed in accordance with the amendment procedures in Section 5-2.3.

**C. LAND USE AND DEVELOPMENT STANDARDS**

**1. Permitted Uses**

- a. Only uses listed and defined in this LDC may be included in a GDP or SDP without a definition of the use. If a land use that is not listed in this LDC is proposed as part of a General Development Plan (GDP) or Specific Development Plan (SDP), the Planning Division Manager may require the applicant to provide a definition of that land use, and that the definition be included in any PUD development plan where the use is permitted.
- b. If a PUD development plan includes any uses listed as a Use by Special Review in the most similar LDC non-PUD zoning district, as determined by the Planning Division Manager, and the development plan does not state that the use is exempt from further review, those uses may only occur after approval pursuant to the LDC procedures for approval of uses by Special Review. Uses in a proposed PUD may be listed individually, or may be described through a cross-reference to those Permitted or Special Review Uses in a non-PUD zone district.

**2. Development Standards**

- a. The development standards applicable to each portion of the PUD (including but not limited to maximum building height, size, or floor area ratio, minimum and/or maximum building setbacks, and minimum and/or maximum off-street parking), shall be stated in the PUD development plan.
- b. Development standards may be listed individually or through a cross-reference to the development standards applicable in one or more conventional zone districts, together with any exceptions to that cross-referenced list.
- c. No PUD development plan shall reduce the minimum amounts of unobstructed open space shown in Table 5-3.1 below.

<b>Table 5-3.3.1 PLANNED UNIT DEVELOPMENT UNOBSTRUCTED OPEN SPACE</b>	
<b>Land Use</b>	<b>Minimum Amount of Open Space (Percentage of net site area)</b>
Residential – up to 4 du/ac	10%
Residential – 4.1 to 10.9 du/ac	30%
Residential – 11 du/ac and higher	35%
Commercial or Public	20% for single story; plus 5% for each additional story, up to a maximum of 35%
Industrial	20%

- d. When a development standard is not addressed in a PUD development plan, the development standard for similar uses in the conventional zone district most similar to the PUD area in character or intensity, or the LDC development standards generally applicable to that aspect of building or site development, whichever is more restrictive, shall apply.

#### **D. GENERAL PROCEDURES**

##### **1. Application Process**

All PUD applications for amending the Zoning Map shall follow the procedures outlined in Section 5-2.1.B.

##### **2. Notice Requirements**

- a. Once Arapahoe County staff determines that the application is ready to proceed, a reserved date will be set for a public hearing before Planning Commission. If the application is of a type that requires a public hearing before the Board of County Commissioners, then, following the Planning Commission hearing a reserved date will be set for a public hearing before the Board of County Commissioners.
- b. The applicant shall be responsible for providing public notice prior to the Planning Commission and Board of County Commissioners hearings, including without limitation all notices to mineral estate owners required by C.R.S. 24-65.5-101 et. seq., in compliance with the public notice requirements in Section 5-2.2 of this LDC.
- c. When the application is initiated by the Planning Commission or by the Board of County Commissioners, the owner(s) of record and/or contract purchaser(s) shall be notified by certified mail of the intended zone change. The Planning Commission and/or Board of County Commissioners shall comply with posting, publication, and hearing procedures.

##### **3. Public Hearing**

- a. A staff report shall be prepared once written comments have been adequately addressed prior to the public hearing. The staff report shall be made available to the applicant and to the public.
- b. The staff report, application as revised, and the comments of the Planning and Engineering Division staff and appropriate referral agencies shall be presented at the public hearing. The written decision or recommendation of the Planning Commission shall be provided to the applicant.
- c. If the application is of a type that requires a hearing before the Board of County Commissioners, then, following the recommendation by the Planning Commission, the staff planner shall schedule the PUD application with the Board of County Commissioners for public hearing and decision. The applicant shall be notified of the hearing date and time.

##### **4. Decision and Findings**

- a. The decision-making body shall consider the application and the staff report, comments received from referral agencies and the public, public hearing testimony and other evidence (as applicable) and the applicable approval criteria in this LDC. After consideration and at the public hearing (if applicable), the decision-making body may:
  - i. Approve;
  - ii. Approve with conditions;
  - iii. Continue to a date certain (subject to statutory time limits);
  - iv. Take the request under advisement to a date certain for a decision (subject to statutory time limits); or
  - v. Deny the application.



- b. The decision-making body may use standard conditions of approval and standard motions for approval, which incorporate other requirements, conditions, limitations or restrictions.
- c. The decision shall be based upon the evidence presented at the public hearing, the record relating to the application, and applying the standards and criteria set forth in Section 5-3.3.F.

**E. SPECIFIC PROCEDURES**

**1. Summary Table of PUD Applications and Decision-Making Authority**

Two paths to PUD approval are available. The Two-Step process applies when the proposed development qualifies for the Two-Step procedure as specified in this Land Development Code and the applicant desires, and is able, to submit detailed plans for a specific development to the Board of County Commissioners. The Three-Step procedure applies when the proposed development does not qualify for the Two-Step process as provided in this Land Development Code or the applicant desires, or is able, to only submit general information about anticipated development on the site to the Board of County Commissioners, and in which case the applicant will be required to later obtain approval of a more specific development plan from the Planning Commission before moving forward with the development.

TABLE 5-3.3.2: PUD REZONING PROCESS DECISION-MAKING SUMMARY TABLE			
R = Review D = Decision <> Public Hearing			
Process	Staff	PC	BOCC
<b>Two-Step Process</b>			
PUD Specific Development Plan	R	<R>	<D>
Administrative Site Plan	D		
<b>Three-Step Process</b>			
PUD General Development Plan	R	<R>	<D>
PUD Specific Development Plan	R	<D>	
Administrative Site Plan	D		

**2. Eligibility for Two-Step or Three-Step Process**

- a. For property predominantly located west of the line shown in Figure 5-3.3-1, a PUD application that meets one of the following three conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:
  - i. A project that includes only single-family detached residential dwelling units located on less than 10 acres of land and has a density no greater than six dwelling units per acre.
  - ii. A project where all of the following apply:
    - (a) The application includes residential land uses on all or any portion of the site; and
    - (b) No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and
    - (c) The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and
    - (d) The total size of the project is five acres or less in land area; and
    - (e) No building exceeds 40 feet in height.

- (f) A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.
- iii. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.
- b.** For property predominantly located east of the line shown in Figure 5-3.3-1, a PUD application that meets the following conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:
  - i. A project that includes only single-family detached residential dwelling units up to six dwellings per acre located on less than 40 acres of land.
  - ii. A project where all of the following apply;
    - (a) The application includes residential land uses on all or any portion of the site; and
    - (b) The application includes residential land uses on all or any portion of the site; and
    - (c) No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and
    - (d) The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and
    - (e) The total size of the project is 20 acres or less in land area; and
    - (f) No building exceeds 40 feet in height.
  - iii. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.
- c.** All other projects shall be reviewed through the Three-Step PUD review process.
- d.** Even if a PUD application is eligible under subsection 5-3.3.E.2.a or 5-3.3.E.2.b above, the Planning Division Manager or designee may determine that the PUD application is of a size, intensity of use, or location that may result in environmental, utility, transportation or service delivery impacts that require preliminary analysis before a more detailed site design is considered, and that the Three-Step PUD process is required.

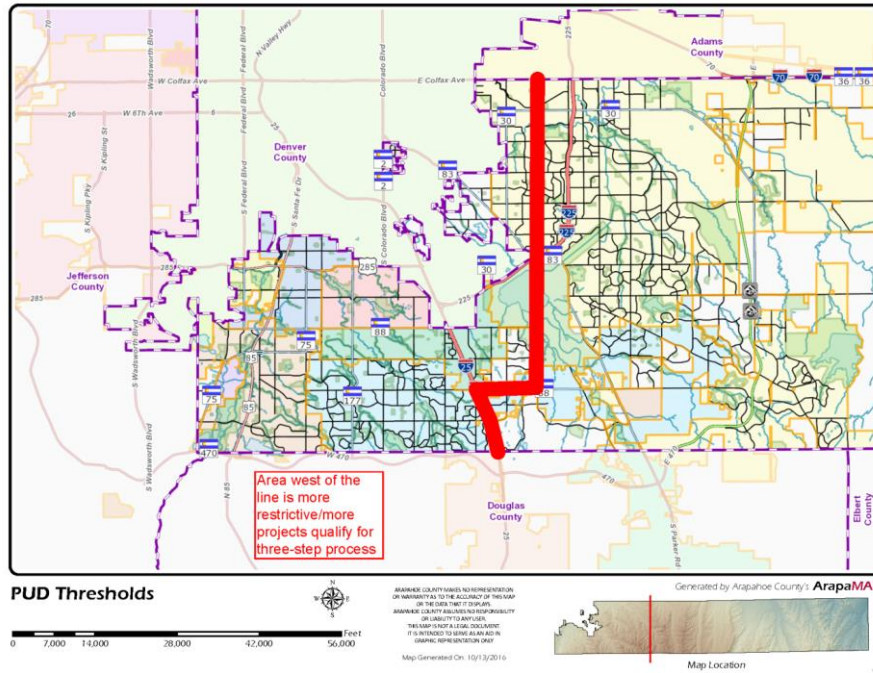
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**Figure 5-3.3-1 Boundary for Two-Step PUD Process Eligibility Threshold**

(Note: This map is a general depiction; the line begins at the northern boundary of Arapahoe County and travels south along the Peoria Street right of way, across I-225 to S Peoria Street, then south to

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Arapahoe Road, then west to I-25, then south along I-25 to the southern boundary of Arapahoe County)



**3. Two-Step Process**

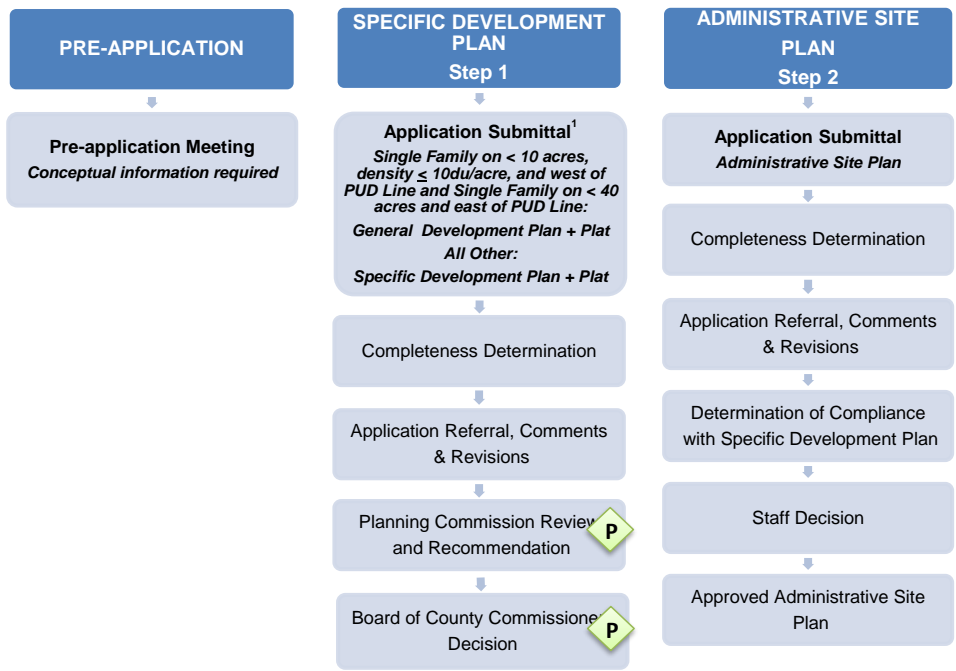
Where an applicant can provide a high level of detail about the proposed PUD and the proposed development qualifies for the Two-Step process as specified in this LDC, a Two-Step process can be used. The first step in the two-step process is approval of Specific Development Plan (SDP), which establishes the specific land uses and development standards that will govern future development of the property. The second step is approval of an Administrative Site Plan consistent with the approved SDP. The applicant must obtain approval for an Administrative Site Plan (ASP) consistent with the SDP before obtaining a building permit and proceeding with development. Preliminary technical reports and conceptual engineering documents are required for the Two-Step PUD process. Applications that do not meet the submittal requirements contained in subsection 5-3.3.E.3.b.i below will be treated as applications for a General Development Plan and will be eligible to be processed through the Three-Step PUD process described in Section 5-3.3.E.4.

**a. Flowchart**

Figure 5-3.3-2 shows the review steps for rezoning to PUD when the Two-Step process applies.

Figure 5-3.3-2 Summary of Procedure for PUD Two-Step Review Process

**NOTES:**  
 P = Public Hearing  
 [1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.  
 [2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan.



- b. Step One - Specific Development Plan (SDP)**
  - i. SDP APPLICATION**  
An application for a PUD rezoning in the Two-Step review process shall submit the information and documents required for Specific Development Plans as specified in the Development Application Manual.
  - ii. SDP REVIEW AND APPROVAL**  
An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 5-3.3.D above and the following requirements:
    - (a) Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan,

applicable LDC standards, the PUD approval criteria in Section 5-3.3.F, and referral agency comments.

- (b) The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 5-3.3.F.
- (c) The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 5-3.3.F.

**c. Step Two – Administrative Site Plan (ASP)**

**i. ASP APPLICATION**

- (a) An application for an ASP may be filed only after the approved SDP documents are submitted to the Planning Division and all required signatures are obtained. At staff's discretion, an applicant may submit an ASP concurrently with an SDP.
- (b) An application for an ASP shall be made in accordance with the requirements of Section 5-4.1, Administrative Site Plan and the Development Application Manual, Administrative Site Plan.

**ii. ASP REVIEW AND APPROVAL**

The ASP application will be reviewed according to Section 5-2.1.B.

**4. Three-Step Process**

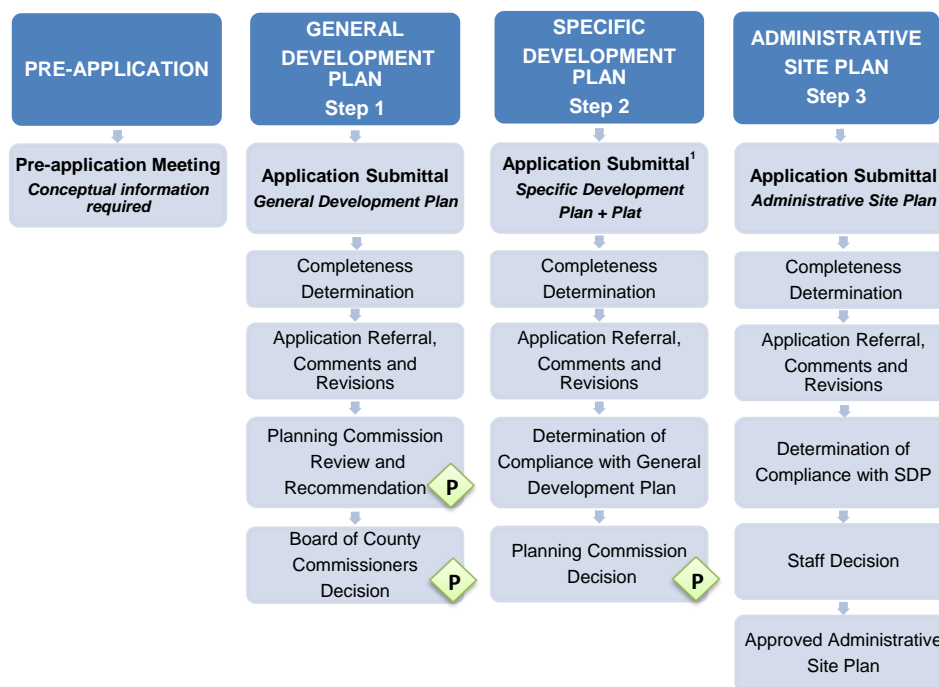
Where an applicant cannot satisfy the eligibility criteria for the Two-Step process in Section 5-3.3.E.2, is not able to provide the high level of detail about the proposed PUD required to qualify for the Two-Step review process, as described in Section 5-3.3.E.2, or cannot provide the level of detailed application materials required in subsection 5-3.3.E.3.b.i, the Three-Step process must be used. The first step in the three-step process is approval of a General Development Plan (GDP) that establishes the general framework for land uses, site layout, development density/intensity, relationship to existing roadways and infrastructure. The second step is approval of a Specific Development Plan (SDP) consistent with the approved GDP. The third step is approval of an Administrative Site Plan (ASP) consistent with the SDP.

**a. Flowchart**

Figure 5-3.3-3 shows the review steps for rezoning to PUD when the Three Step process applies.

**Figure 5-3.3-3 Summary of Procedure for PUD Three-Step Review Process**

**NOTES:**  
P = Public Hearing  
[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.  
[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan. See section 5-2.3.B.1 for minor and major amendment criteria.



**b. Step One - General Development Plan (GDP)**

**i. GDP APPLICATION**

An application for a PUD rezoning using the Three-Step review process shall submit a GDP that meets the requirements of this LDC and the Development Application Manual.

**ii. GDP REVIEW AND APPROVAL**

Approval of a GDP is the first step in the PUD Three-Step review process. An application for a GDP shall be processed in accordance with the General Procedures detailed in Section 5-3.3.D above and the following requirements.

- (a) Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 5-3.3.F, and referral agency comments.
- (b) The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 5-3.3.F.
- (c) The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 5-3.3.F.

**c. Step Two - Specific Development Plan (SDP)**

**i. SDP APPLICATION**

The application submittal for an SDP based on an approved GDP shall be the same as required for the Two-Step PUD SDP in subsection 5-3.3.E.3.b.i, with the following exceptions:

- (a) If the SDP application is made within one year of the date of approval of the GDP, any information and exhibits submitted for the General Development Plan do not need to be re-submitted unless there has been a change in condition on the PUD site.
- (b) The application shall include letters from all off-site service providers stating that there has been no change in the service provider's ability to serve the site and proposed development.

**ii. SDP REVIEW AND APPROVAL**

An SDP approval is the second step in the Three-Step review process. An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 5-3.3.D above, and the following requirements:

- (a) Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
- (b) The Planning Commission shall conduct a public hearing and make a decision based on the approval criteria in Section 5-3.3.F below.

**d. Step 3 - Administrative Site Plan (ASP)**

**i. ASP APPLICATION**

- (a) An application for an ASP may be filed only after the approved SDP documents are submitted to the Planning Division and all required signatures are obtained. At staff's discretion, an applicant may submit an ASP concurrently with an SDP.
- (b) An application for an ASP shall be made in accordance with the requirements of Section 5-4.1, Administrative Site Plan and the Development Application Manual, Administrative Site Plan.

ii. **ASP REVIEW AND APPROVAL**

The ASP application will be reviewed according to Section 5-2.1.B.

**F. APPROVAL CRITERIA**

**1. Approval Criteria for all PUD Applications**

The PUD process is intended to allow flexibility for innovative combinations of land uses and site designs while mitigating the impacts of those designs on surrounding areas and preventing the creation of a monotonous urban landscape. A PUD rezoning, GDP or SDP may be approved if the proposal meets all of the following criteria and any applicable criteria in Sections 5-3.3.F.2 and 5-3.3.F.3 below:

- a. It generally conforms to the Arapahoe County Comprehensive Plan; and
- b. It complies with the standards for conventional rezoning pursuant to Section 5-3.2.A; and
- c. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options; improvements in utilities and services; or innovative housing or employment centers; and
- d. It is consistent with the purpose of the Planned Unit Development District as stated in Section 5-3.3.A of this LDC; and
- e. Any modifications to the standards and requirements of this LDC are warranted by the layout and design of the site, amenities incorporated into the development plan, or by the need to protect or avoid unique site features; and
- f. The proposed plan meets the applicable standards of this LDC, unless varied by the PUD.

**2. Approval Criteria for General Development Plan (GDP)**

In addition to meeting the criteria in Section 5-3.3.F.1 above, a GDP must also meet the following criteria:

- a. The proposed land uses, development densities/intensities, and building heights will not create significant adverse impacts on surrounding properties; and
- b. It demonstrates an efficient use of land that facilitates a more economic arrangement of buildings, vehicular and pedestrian circulation systems and utilities; and
- c. It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan; and
- d. It provides or expands access to existing open space, and preserves and protects natural features; and
- e. It includes efficient general layouts for major water, sewer, and storm drainage areas.

**3. Approval Criteria for Specific Development Plan (SDP)**

In addition to meeting the approval criteria in Section 5-3.3.F.1 above, an SDP submitted under the Three-Step review process must also comply with the development standards and requirements of the approved GDP for the site.

**4. Approval Criteria for Administrative Site Plan (ASP)**



An ASP must comply with the development standards and requirements of the approved SDP for the site and applicable standards of this LDC.

**G. APPEALS**

**1. Administrative Decisions**

- a. Appeals of any administrative decision authorized by this Section, including but not limited to approval or denial of an ASP or a determination as to whether a proposed amendment to an SDP is eligible to be processed as an Administrative Amendment, shall be made to the Planning Commission.
  - i. Such appeal must be made in writing within 10 days after the decision.
  - ii. The appeal shall be scheduled for the next available Planning Commission meeting.
  - iii. The Planning Commission shall review the appeal based on the standards and requirements of this Section and the applicable requirements of this LDC.
  - iv. The decision of the Planning Commission shall be final.
- b. Decisions on GDP, SDP, and ASP applications shall not be final until the time for filing any available administrative review or appeal procedures has expired without an appeal being filed, or, if an appeal has been timely filed, until a decision on that appeal has been made. Applicants shall exhaust any administrative review or appeal procedures in effect prior to exercising any right of judicial review.

**2. Review of Planning Commission Decisions in Three-Step PUD**

- a. An applicant for an SDP, or a person living or owning property within an SDP or within 200 feet of any boundary of an SDP, may submit a written objection to the decision of the Planning Commission on the SDP.
  - i. Written objection must be made to the Planning Division Manager within 10 days after the Planning Commission decision, and must state with specificity how the decision being appealed is inconsistent with any GDP applicable to the property, or what standard or criteria contained in this LDC have been ignored or improperly applied.
  - ii. Following receipt of a written objection, County staff will inform the Board of County Commissioners and applicant of the written objection.
  - iii. The Board of County Commissioners may decide to review the decision of the Planning Commission, but is under no obligation to do so.
  - iv. If a majority of the Board of County Commissioners desires to review the decision of the Planning Commission, the Board will conduct a public hearing within a reasonable period of time, and the public hearing shall consider the project de novo. Notice for the public hearing shall comply with the procedures in Section 5-3.3.D.2, Notice Requirements.
  - v. The Board's action on any request for review of the Planning Commission's decision shall consider the record developed at the Board hearing, but shall not be limited to consideration of that record.
- b. At any stage of the process for review of Planned Unit Development application under the Three-Step process, up to 10 calendar days following a decision of the Planning Commission on the application for an SDP, a majority of the members of the Board of County Commissioners may elect to call up the SDP application for a Public Hearing before the Board. Such Public Hearing will proceed following the hearing and determination of Planning Commission, will proceed de novo, and the

final decision on the SDP will be made by the Board. Notice and procedure for such Board public hearing shall be as specified in this Code for other Public Hearings on Planned Unit Development applications.

- c. The decision of the BOCC on whether or not to review a decision of the Planning Commission shall be final, and the decision of the BOCC after review of a Planning Commission decision, under either subparts a. or b. of this Section 5-3.3.G.2, on an SDP is a final decision.

#### 5-3.4. Use By Special Review

##### A. INTENT

To establish a "Use By Special Review" process and procedure which provides Board of County Commissioner review and approval of certain uses which, although permitted within specific zoning districts, may contradict the purpose of these Regulations as required in this Land Development Code, providing for the public peace, health, safety and welfare.

##### B. APPROVAL CRITERIA

1. The following criteria shall be used to assist in determining that the proposed Use by Special Review is appropriate:
  - a. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.
  - b. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.
  - c. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.
  - d. Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.
  - e. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
  - f. Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.
  - g. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.
  - h. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.
  - i. Enhance the useable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.
2. All of the criteria listed in Section 5-3.4.B.1 must be addressed prior to approval of any Use by Special Review requests, and are intended to provide clarity of purpose and

direction for applicants, neighbors, concerned citizens, and Arapahoe County decision-makers.

3. In addition to the criteria in Section 5-3.4.B above, the criteria set forth in the Regulations Governing Areas and Activities of State Interest in Arapahoe County (“1041 Regulations”) shall also be considered in the evaluation of an application for a Use by Special Review for Major Private Electrical, Natural Gas, and Petroleum-Derivative Facilities in the A-E, A-1 and I-2 Zone Districts. Part V, sections A. and C., along with Appendix A, of the 1041 Regulations shall be used in determining whether such Use by Special Review should be approved.

#### C. GENERAL PROCEDURES

##### 1. Application Process

Applications for a Use by Special Review shall follow the application process outlined in Section 5-2.1.B.

##### 2. Public Notice

- a. The applicant shall be responsible for public notice, prior to the Board of County Commissioners hearings, in compliance with the public notice requirements in Section 5-2.2.
- b. In addition, an applicant for a Use by Special Review for Major Private Electrical, Natural Gas, and Petroleum-Derivative Facilities shall provide mail notification of any required public hearings to all property owners located within 500 feet of the property boundaries of such proposed Use by Special Review at least 15 days prior to such public hearing.
- c. The Board of County Commissioners will cause Notice to be published in relation to said Use by Special Review request. A published notice must be placed within a newspaper of general circulation within the County at least 15 days prior to the hearing date. This mandatory requirement is a condition precedent to the Board holding a hearing. The applicant, or his authorized representative, will be required to be present in order to testify at the hearing as to the compliance with procedural requirements.
- d. An application for a Use by Special Review for Major Private Electrical, Natural Gas, and Petroleum-Derivative Facilities shall require review by the Planning Commission at a public hearing prior to consideration by the Board of County Commissioners. A published notice of public hearing in a newspaper of general circulation in the County shall also be required at least 15 days prior to the public hearing at the Planning Commission. The County may require publication in the newspaper of general circulation with the largest circulation serving the area affected by the proposed Use by Special Review. With the exception of a Use by Special Review application for Major Private Electrical, Natural Gas, and Petroleum-Derivative Facilities, all other Use by Special Review applications shall only require a public hearing before the Board of County Commissioners and shall not be reviewed by the Planning Commission.

##### 3. Board of County Commissioners Action

The Board of County Commissioners will take one of the following actions at their hearing:

- a. Approve as submitted; or

- b. Approve with conditions; or
- c. Table (for further information, etc.); or
- d. Take the request under advisement to a date certain for a decision (subject to statutory time limits); or
- e. Deny.

**4. Notification of Board of County Commissioners' Action**

- a. Once the Board of County Commissioners acts on the Use By Special Review request, the applicant and/or duly appointed representative will be notified of the Commissioners' decision as soon as practicable.
- b. Copies of the Board of County Commissioners Resolution may be obtained at the Office of the Board of County Commissioners. The Use by Special Review becomes an approved use after the Board of County Commissioners Chairman signs the reproducible photographic mylar of the Use By Special Review Plan.

**5. Reproducible Final Mylar**

Approval of a Use By Special Review request shall be, and may be, subject to stipulations and/or conditions precedent which the applicant is deemed to accept by preparing a reproducible photographic mylar for signature by the Chairman of the Board of County Commissioners within 60 days from approval date. If no mylar is submitted, the Planning Division will recommend the Board of County Commissioners rescind approval of the request. An extension may be granted in writing by the Planning Division Manager.

**6. Denial of Application**

If the Board of County Commissioners denies the request, no further applications proposing substantially the same use, uses or mixture of uses can be submitted to the County for a period of at least one year.

**7. Financial Guarantees**

An application for a Use by Special Review for Major Private Electrical, Natural Gas, and Petroleum-Derivative Facilities may be subject to the financial guarantee provisions contained in Part VI of the Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations).

**D. AMENDMENTS**

If an amendment to a Use by Special Review qualifies as an administrative amendment under the provisions of Section 5-2.3.B.1, the administrative amendment process of Section 5-2.3 may be followed. If the amendment does not qualify as an administrative amendment, the process for approving a Use by Special Review shall be followed (Section 5-3.4).

**5-3.5. Use By Special Review - Energy Facilities**

**A. INTENT AND APPLICABILITY**

- 1. The intent of this Section 5-3.5 is to describe the Use by Special Review process and approval criteria for Energy Facilities. Notwithstanding any other language in the Land Development Code to the contrary, an Energy Facility or related site preparation or development, including any such Facility that requires a Colorado Oil and Gas Conservation Commission ("COGCC") permit, may not commence without first obtaining Use by Special Review approval, regardless of the zone district or category in which the operation will be located. Energy Facilities are specifically allowed in all zone districts, including Planned Unit Developments, subject to Use by Special Review approval and

subject to obtaining other required permits and approvals, unless and to the extent otherwise stated in these regulations.

2. The administrative Use by Special Review and the Memorandum of Understanding process available as provided under this Section of the Land Development Code shall apply only to an Oil and Gas Facility or Facilities as defined in Chapter 7-2 of this Land Development Code and to Solar Facility or Facilities as defined in Chapter 7-2 of this Land Development Code.
3. Nothing in this Section of the Land Development Code is intended to waive or modify any applicable provision of the Arapahoe County Regulations Governing Areas and Activities of State Interest (1041 Regulations).

**B. RELATIONSHIP TO SECTION 5-3.4**

This Section provides an Administrative Use by Special Review approval process for Energy Facilities where an applicant has executed an acceptable Memorandum of Understanding (“MOU”) with the County and meets other administrative approval criteria, as set forth in further detail below. An Administrative USR is not available for any Solar Facility or Facilities that exceed two megawatts (2 MW) in power generation or twenty (20) acres in size. In the event that an applicant has executed an MOU and obtains approval for an Administrative Use by Special Review for a particular Energy Facility, compliance with the procedures and criteria in Section 5-3.4.B (Use by Special Review) is not required. In other situations, in order to obtain Use by Special Review approval, the applicant must comply with the provisions of Section 5-3.4 (Use by Special Review), except to the extent modified in 5-3.5.D.7 of this Section or waived by the Public Works and Development Department (“PWD”) Director or the Board of County Commissioners (“Board”) in accordance with the authority provided in this Land Development Code.

**C. ADMINISTRATIVE APPROVAL CRITERIA**

In order to obtain Administrative Use by Special Review approval, an Energy Facility shall first satisfy the following criteria, except to the extent waived by the PWD Director or by the Board:

**1. Memorandum of Understanding**

An MOU acceptable to the County must have been executed by the applicant and the County and currently be in full force and effect, and the Energy Facility as proposed must be in compliance with the provisions of the MOU.

**2. Satisfy Submittal Requirements**

The application and exhibits for the Administrative Use by Special Review must satisfy all applicable submittal requirements in this Section.

**3. Environmental/Public Health and Safety Impacts**

The Energy Facility as proposed for approval shall not involve any site specific conditions that present significant and material impacts to public health, safety or welfare, or the environment, that cannot be adequately mitigated through conditions agreed to by the applicant in the MOU or by conditions imposed upon the Administrative Use by Special Review approval.

**4. Emergency Service Providers**

The Energy Facility applicant must provide a commitment to serve (“will serve”) letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction,

from an emergency services provider with the ability to provide such emergency services.

**D. ADMINISTRATIVE PROCESS**

**1. Application Process**

- a. Applications for an Administrative Use by Special Review for eligible Energy Facilities will follow the application process outlined in Section 5-2.1.B.
- b. County staff will refer the complete application for a fourteen (14) working day review by the various divisions of the PWD and the County Attorney's Office, as deemed appropriate. An application may require review by outside agencies such as the U. S. Army Corps of Engineers, if the project impacts a floodplain, and may also be referred to any life-safety providers, adjacent jurisdictions, local public health department, and others as may be deemed appropriate.
- c. Upon acceptance of the final copy of the application and exhibits by the PWD, the application materials will be forwarded for final review by the PWD Director.

**2. Notice of Application Requirements**

The applicant shall provide written notification by U.S. Mail to owners of parcels adjacent to the parcel on which the Energy Facility is proposed that an application for an Administrative Use by Special Review for an Energy Facility has been filed with the County. The Notice of Application shall meet the format prescribed by the County and shall be mailed at or no more than 30 days before the time of filing the application with the County. The property owner of record, as identified in the County Assessor's property records, shall provide the basis for notifications. The applicant shall provide a sign that shall meet the format prescribed by the County. The sign shall be posted at or before the time of filing the application for the Energy Facility with the County.

**3. Approval/Denial of Administrative Use By Special Review**

**a. Action to Approve, Conditionally Approve or Deny**

Unless there are any issues that have not been resolved by the applicant, the County will exercise its best efforts to process the Administrative Use by Special Review for an Energy Facility within 30 calendar days from the date of complete submittal by the applicant, or at such time as proof of any applicable State of Colorado permit approval is provided, whichever is later. The Administrative Use by Special Review can be administratively approved, approved with conditions or denied. Written notice of the decision shall promptly be provided to the applicant, and, if denied, the notice shall include a statement of the reason(s) for denial. The thirty (30) calendar day timeframe counts only as the County's processing time and does not include the applicant's response time.

**b. PWD Director's Discretion to Refer to the Board**

In lieu of the PWD Director making a decision on an application, the Director has the discretion to refer any application for Administrative Use by Special Review or amendment thereto to the Board for its consideration and decision at a public hearing. In such event, the Board shall make its determination based upon the requirements of this Section; however, unless waived by the Board, compliance with the notice requirements set forth in Section 5-3.4.C.2. is required prior to the Board hearing. At such public hearing, the Board may approve, approve with conditions, or deny the application.

- c. Expiration of Approval**  
An approval of the Administrative Use by Special Review shall only be valid for five years unless the Energy Facility is substantially commenced prior to the expiration of such timeframe.
- d. Permits Required Prior to Commencement of Operations**  
If applicable, an Access Permit, GESC Permit, and Oversize/Overweight Vehicle Permit shall be required prior to the development of an Energy Facility. A Floodplain Development Permit shall be required prior to any work within a floodplain. A Building Permit may be required prior to construction of certain structures within the Energy Facility.
- 4. Appeal of Decision on Application for Administrative Use by Special Review**  
An applicant may appeal the PWD Director's denial of an application for an Administrative Use by Special Review for an Energy Facility, or any conditions of approval, to the Board of County Commissioners for a *de novo* hearing. The applicant must file the appeal within fourteen (14) calendar days of the date of the Director's decision by submitting a letter of appeal to the Planning Division Manager. Thereafter, the matter will be scheduled on the next available agenda of the Board. At such hearing, the Board may affirm, reverse or modify the decision of the PWD Director, based upon the criteria set forth in Section 5-3.6.
- 5. MOU Provisions as Conditions of Approval**  
An approval of an Administrative Use by Special Review for an Energy Facility shall automatically include as conditions of approval all provisions of the MOU executed by the applicant, except to the extent waived by the PWD Director or the Board.
- 6. Administrative Amendment**  
If the applicant or operator proposes changes from the plans approved through the Administrative Use by Special Review, including and not limited to any changes in the source or location of water to be used by the Energy Facility, the applicant or operator is required to submit an amendment to the application showing the changes, unless such requirement has been waived by the PWD Director. The proposed amendment will be reviewed by PWD staff and, if applicable, PWD Staff may require additional information. The amended application will need to meet all requirements of this Section and be approved in writing by the PWD Director, or the Board (if the Board approved the original application), prior to implementation.
- 7. Non-Administrative Approval Process**  
Use by Special Review approval for an Energy Facility may also be requested through the process described in Section 5-3.5 of this Code, subject to the following modifications:

  - a. Plan Format**  
The site plan shall comply with the requirements of the Development Application Manual, Non-Administrative Use by Special Review for Energy Facilities. In addition, the final document shall be submitted in paper form instead of Mylar, notwithstanding the requirements for a Use by Special Review contained in the Development Application Manual.
  - b. Expiration of Approval**

An approval of a Use by Special Review shall only be valid for five (5) years unless the Energy Facility is substantially commenced prior to the expiration of such timeframe.

**c. COGCC and County Approvals Required**

Development of the Energy Facility shall not commence until and unless any required permits from the state, and a Use by Special Review (administrative or non-administrative) from the County, have both been approved.

### 5-3.6. Type B Group Home Procedures

- A.** A Public Hearing is required prior to establishing all group homes in this category. Depending upon the governing zone district, the procedure which contains such a hearing will be either a Use by Special Review or Planned Unit Development, as described in these regulations. The number of required hearings will depend on the procedure to be used.
- B.** The PWD Director or Planning Division Manager is authorized, upon request of the applicant and after written notification to the Board of County Commissioners, to waive public hearing requirements and to make any necessary modifications to the public notification requirements (which requirements may include different requirements) for applications for shelters for victims of domestic violence. To the extent, and only to the extent, the Director determines that such waiver or modifications will substantially reduce the risk of harm to the occupants of the proposed facilities.
- C.** In making this determination, the PWD Planning Division Manager may consult with other County officials, immediate neighbors of the proposed facility, and any other persons, to require as much compliance with County procedures as possible, while attempting to accommodate the applicant's request. To the extent authorized by law, and in the discretion of the PWD Manager, some or all of the location information relating to the application may be withheld from the public portion of the permanent file on the application and retained as confidential or privileged information pursuant to C.R.S. §21-72-204(3)(a)(IV).
- D.** None of the procedures described in this section shall grant any applicant, occupant, or other person, any right of action against the County, its elected or appointed officials and employees, based upon any negligent or willful action or damage or injury whatsoever alleged to be suffered which is in any way related to the procedures described in this section.
- E.** The Board of County Commissioners may overrule any or all of the PWD Planning Division Manager or PWD Director's actions pursuant to this section (at any time prior to final action on the application) (within 14 days of receipt of the Planning Division Manager or PWD Director's written notice of waiver). The Board of County Commissioners does not intend to grant any private right of action by the adoption or administration of these procedures.
- F.** The Board of County Commissioners reserves the right to authorize the PWD Planning Division Manager or PWD Director's, in appropriate cases, to waive or vary the processing requirements of these Regulations, to the extent necessary to avoid violating any legally protected rights, and to the extent necessary to accommodate persons with disabilities, as may be required by federal, state or local law.
- G.** The applicant shall request, in writing, the accommodation, waiver or variance required, shall state the reasons the action is needed, and shall submit all backup documentation which supports the reason given by the applicant.



- H. Prior to acting on the request, the Board of County Commissioners or the Planning Division Manager or PWD Director's may require, in their discretion, the applicant to submit additional research, analyses or data, which may include legal opinions upon which the County may rely, as may be needed to assist the Board or Planning Division Manager or PWD Director's in processing the request. The Board or Planning Division Manager or PWD Director's may deny any request for which insufficient supporting documentation is received.
- I. All such requests shall be finally acted upon by the Board of County Commissioners no later than 60 days following receipt of the request or 20 days following receipt of any additional information requested from or supplied by the applicant, whichever date is later.

### 5-3.7. Wireless Communication Facilities (WCF) Procedures<sup>412</sup>

#### A. APPLICABILITY<sup>413</sup>

- 1. This section shall apply to all WCF applications, except applications for Small Cell Facilities in the County right-of-way, which are subject to Chapter 14, Small Cell Wireless Communication Facility (WCF) Regulations, of the Infrastructure Design and Construction Standards.
- 2. A WCF application is not required for routine maintenance of existing facilities or equipment.<sup>414</sup>

#### B. APPLICATION REVIEW

##### 1. Review Process for WCFs (Non Eligible Facilities Requests)

###### a. Pre-submittal Meeting<sup>415</sup>

Prior to submitting an application, the applicant is encouraged to initiate and schedule a pre-submittal meeting. A pre-submittal meeting is not required and will only be held if the applicant requests one. By participating in the Pre-submittal meeting, the applicant agrees the mandatory review times set forth in this Section do not start until a complete application is submitted, subject to the tolling provisions in this Section.

###### b. Administrative Review

- i. Applications for proposed WCFs shall comply with the provisions of this Land Development Code. The time period in which the County will review and act upon applications shall be tolled for any applications that are not complete. The County shall notify an applicant of any deficiencies in its application within 30 days of filing, and/or within 30 days of submitting any additional information, to the extent that any supplemental application materials remain incomplete. If outside referrals or a neighborhood meeting is required, notification shall be provided in a manner determined by the County.
- ii. The Planning Division Manager, or designee, will make a decision to approve or deny an application that qualifies for administrative review within 90 days of the

<sup>412</sup> Carried forward current 5-3.7. unless otherwise noted. Updated all references to "CMRS" to "WCF" for consistency.

<sup>413</sup> New applicability section to clarify that Small Cell Facilities in the ROW follow a separate set of procedures.

<sup>414</sup> Deleted "or replacement of existing facilities or equipment, so long as the new facilities or equipment are consistent with the approved size, height, concealment, screening, and other applicable site and facility design elements being replaced" as these would be considered Eligible Facilities Requests.

<sup>415</sup> Updated language to align with application process for Small Cell WCFs in the IDCS.

- filing of a complete application for a collocation that does not meet the definition of an Eligible Facilities Request<sup>416</sup> or 150 days of the filing of a complete application for any other application; provided however, that:
- (a) If a third-party technical study (technical issues and expert review) is required, a decision to approve or deny an application may be postponed until 15 days after the study is complete; and
  - (b) The County and the applicant may always agree to extend the time in which final action on the application is required by this LDC.
- iii. Any decision to deny a request to place, construct, or modify facilities shall be in writing and include specific reasons for the action.
- c. Neighborhood Notice and Meetings<sup>417</sup>**
- i. Neighborhood notice and a neighborhood meeting is required for the following applications:<sup>418</sup>
    - (a) Applications for WCFs in the residential and agricultural zone districts, the residential component of mixed-use zone districts, and the residential component of PUD districts, excluding Eligible Facilities Requests and Small Cell WCFs.<sup>419</sup>
    - (b) Applications for WCFs within 500 feet of a residentially zoned property and not in the rights-of-way, excluding Eligible Facilities Requests and Small Cell WCFs.
  - ii. If a neighborhood meeting is required, the applicant shall schedule and conduct a neighborhood meeting to inform residents about the project. Notice for such Neighborhood meeting shall be provided in a manner determined by the County. Notice shall be sent to all property owners and Home Owners Associations within 500 feet of the site, or a larger area if the Planning Division Manager determines the facility's visual impact warrants a greater notification area. Such notice shall be sent at least 15 days prior to such scheduled meeting date.
  - iii. Prior to or following the neighborhood meeting, the applicant shall distribute packets that include a letter of intent, site plan with underlying zoning, proposed facility height, proposed setbacks, photo-simulations, and any other information deemed necessary by the Planning Division Manager to all property owners required to be noticed in paragraph ii. A copy of the packet and the address list shall be provided to the Planning Division.
- d. Notice of Planning Division Manager's Decision<sup>420</sup>**
- For a WCF proposed within 500 feet of residentially zoned property, the applicant and the adjacent neighborhood(s) will be notified of the Planning Division Manager's decision. Such notice will be provided in a manner determined by the

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<sup>416</sup> New clarification that the applicable shot clocks are only for collocations that are not Eligible Facilities Requests.

<sup>417</sup> Consolidates Outside Referral and Neighborhood Meeting requirements (current 3-3.8.A.3.d and 3-3.8.A.3.e) to reflect current County practice.

<sup>418</sup> Carried forward current 3-3.8.A. 3.d. and 4.c.iii(g).

<sup>419</sup> New exclusion for Eligible Facilities Requests.

<sup>420</sup> Carried forward current 5-3.7.A.e.

County. For the purposes of 47 U.S.C. Sec. 332 (c)(7), the decision of the Planning Division Manager is final.

**e. Appeal of Planning Division Manager's Decision<sup>421</sup>**

An applicant or an interested citizen or citizen group may, prior to challenging the County's action in court, appeal the Planning Division Manager's decision to the Board of County Commissioners, which appeal shall be based upon the administrative record, and in accordance with the following:

- i. Such appeal shall be submitted to the Planning Division Manager in writing within 10 working days of the decision.
- ii. Such appeal may be taken to the Board of County Commissioners for consideration. A majority of the members of the Board of County Commissioners may elect to call up the appeal for a public hearing before the board.
- iii. The public hearing will proceed following the decision of the Planning Division Manager, will proceed de novo, and the final decision will be made by the Board.
- iv. If the Board of County Commissioners hears such appeal, public notice shall be provided in compliance with 5-2.2, Public Notice Requirements.
- v. The Board of County Commissioners shall decide to hear the appeal and make a decision on the appeal within 90 calendar days after first receiving the request to hear an appeal.<sup>422</sup>

**2. Review Process for Eligible Facilities Requests<sup>423</sup>**

**a. Timing**

- i. Within 60 days of the date on which an applicant submits an application seeking approval of an Eligible Facilities Request, the Planning Division Manager shall approve an application unless the Planning Division Manager determines that the application is not an Eligible Facilities Request.
- ii. The 60 -day review period begins to run when the application is filed. The Planning Division Manager and the applicant may agree to toll the review period. The 60-day review period shall also be tolled where the Planning Division Manager determines that the application is incomplete.
- iii. The Manager shall address incomplete applications pursuant to the following standards:
  - (a) Within 30 days of receipt of the application, the Planning Division Manager shall notify the applicant in writing, clearly and specifically delineating all missing documents or information required for determination of an Eligible Facilities Request
  - (b) The written incompleteness notice tolls the timeframe for review;
  - (c) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Planning Division Manager's notice of incompleteness;

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<sup>421</sup> Combined current 5-3.7.A.e.i and ii.

<sup>422</sup> New provision to align with Federal Communications Commission guidance related to reasonable resolution times for appeals related to federal telecommunication regulations.

<sup>423</sup> New. Replaces current 3-3.8.A.5.e.ii. and v.

- (d) Within 10 days of the supplemental submission, the Planning Division Manager shall notify the applicant in writing that the supplemental submission did not provide the information identified in the original incompleteness notice; and
- (e) The timeframe is tolled in the case of a second or subsequent incompleteness notice pursuant to the procedures for the first incompleteness notice. Second or subsequent incompleteness notices may not specify missing documents or information that were not delineated in the original incompleteness notice.

**b. Review Criteria**

The Planning Division Manager shall approve an Eligible Facilities Request if the request:

- i. Is an Eligible Facilities Request for an Eligible Support Structure;
- ii. Does not result in a Substantial Change;
- iii. Complies with the originally approved design elements and other conditions of approval, including but not limited to colors, textures, surfaces, scale, character, mounting, projection and siting, or any approved amendments thereto, except where noncompliance with those elements or conditions is solely limited to the thresholds of increase in height, increase in width, addition of cabinets or new excavation or deployment area identified in the definition of Substantial Change; and
- iv. Does not defeat the Concealment Elements of the Eligible Support Structure.<sup>424</sup>

**c. Decision**

- i. If the Planning Division Manager finds the review criteria are met, the Planning Division Manager shall approve the Eligible Facilities Request.
- ii. If the Planning Division Manager finds that the applicant's request does not meet the criteria, the Planning Division Manager may approve with conditions or deny the Eligible Facilities Request and provide a written disposition with the reasons for conditional approval or denial to the applicant.
- iii. The Planning Division Manager's decision shall be supported by substantial evidence in the written record.

**d. Failure to Act**

- i. In the event that the Planning Division Manager fails to act on a request seeking approval for an Eligible Facilities Request within the timeframe for review, accounting for any tolling, the request shall be deemed granted.
- ii. The effective date of a deemed-granted approval shall be the day the County receives written notice from the applicant, after the review period, accounting for any tolling, has expired, that the application has been deemed granted.

**e. Interaction with Telecommunications Act Section 332(c)(7)**

If the County determines that the applicant's request is not an Eligible Facilities Request, the presumptively reasonable timeframe under Section 332(C)(7), as prescribed by the FCC's shot clock order, will begin to run from the issuance of the County's decision that the application is not a covered request. To the extent such

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<sup>424</sup> Reference definitions at the end of 3-3.5.A in this draft for new definition of "Concealment Element."

information is necessary, the County may request additional information from the applicant to evaluate the application under Section 332(C)(7) review. The County shall identify the need for any such additional information together with the notice that the request is not an Eligible Facilities Request, and if such additional information is requested, the time frame under Section 332(C)(7) will begin to run beginning on the date that such additional information is received by the County.

**f. Compliance with Other Laws**

All work done in association with the approved Eligible Facilities Request application shall be completed in accordance with all generally applicable laws, regulations or other rules reasonably related to public health and safety, including but not limited to, building and safety codes.

**g. Remedies**

The applicants and the County may bring a claim related to §6409 of the federal Spectrum Act (codified at 47 U.S.C. 1455) to any court of competent jurisdiction.

**3. Other Reviews/Permits**

**a. Technical Issues and Expert Review**

WCFs may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Planning Division Manager may require the applicant to pay reasonable costs of a third-party technical study of a proposed WCF. Selection of expert(s) to review the proposal will be in the sole discretion of the County.

**b. Building Permit**

Administrative approval of WCFs is separate from the building permit review process. Building permits for the construction of WCFs cannot be issued until the facility is approved through the Administrative or Special Exception Use process, as applicable.

## 5-4 SITE DEVELOPMENT PROCEDURES

### 5-4.1. Administrative Site Plan

**A. INTENT**

An Administrative Site Plan is required for the following situations:

1. All development on vacant land governed by conventional zoning, unless a Use by Special Review (USR), Location and Extent (L&E), or Special Exception Use (SEU) is required.
2. Additions to buildings located within conventionally zoned areas that are equal to or exceed 50 percent of the original structure. The determination of what constitutes the original structure is based on the building as shown at the time of initial permit, and not an expanded building based on subsequent permits.
3. Administrative site plans are not required for single-family detached or two-family development on individual lots, single-family lots within a minor subdivision, or any single family detached development where lots are greater than or equal to 40,000 square feet.

**B. APPROVAL CRITERIA**

The PWD staff will determine if an Administrative Site Plan application meets the following criteria before the Planning Division Manager or her/his designee signs the final version of the plan.

1. Whether the Administrative Site Plan is consistent with the underlying zoning.
2. Whether the Administrative Site Plan is consistent with the efficient development and preservation of the entire area within an approved Final Plat.
3. Whether the Administrative Site Plan will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.
4. Whether the Administrative Site Plan will adversely affect the public health, safety and welfare.
5. Whether the Administrative Site Plan meets the requirements of an approved Specific Development Plan or equivalent (if applicable).

**C. SUBMITTAL PROCESS**

1. Applications for an Administrative Site Plan shall follow the application process outlined in Section 5-2.1.B.
2. The application shall be reviewed by County Staff and appropriate referral agencies.
3. Only when all deficiencies have been addressed will the County Staff ask the applicant to submit a final mylar copy of the plan for approval signature.
4. Prior to County signature of the approved plan, the applicant must submit all required documentation required in Section 5-2.1.J.

**D. AMENDMENTS**

Amendments to Administrative Site Plans may be approved pursuant to Section 5-2.3, Amendments to Existing Approvals.

**E. VESTED PROPERTY RIGHTS**

1. In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, an applicant may seek approval of a “vested property right” by approval of a “site specific development plan” relating to the proposed development pursuant to Section 5-7.2. The vested property right shall relate to an approved Administrative Site Plan, and may be sought subsequent to approval of such development plan. The process for seeking a “vested property right” is separate from the process for seeking approval of an Administrative Site Plan.

**5-4.2. Grading, Erosion and Sediment Control Permit**

**A. GENERAL PROVISIONS AND PROCEDURES**

**1. Purpose and Intent**

- a. Arapahoe County is required by State and Federal law to develop and implement a storm water management program.
- b. As articulated in the Comprehensive Plan, Arapahoe County will maintain a balance between growth and the natural environment, facilitate expansion of diverse economic development opportunities, conserve natural areas and environmental quality, and treat residents fairly in the process of making land use decisions.
- c. Arapahoe County is committed to protecting water and soil resources and ensuring that public and private infrastructure development and maintenance that may affect water and soil resources are performed in an environmentally sound manner.

- d. Arapahoe County has developed a permitting process for certain grading, erosion and sediment control activities on construction projects and other applicable land disturbance within unincorporated Arapahoe County. This permitting process is established in the Arapahoe County Grading, Erosion, and Sediment Control Manual (GESC Manual).
- e. This GESC Manual is incorporated into the County's Land Development Code by reference and made a part of these regulations. This manual, and any amendments or revisions, describes the permitting process, procedures and practices that have been adopted to promote environmentally sound construction and maintenance practices in the County. These procedures and practices are intended to be consistent with the requirements of mandated State and federal enabling statutes, regulations and rules.
- f. The goal of the GESC Permit Process is to implement effective grading, erosion and sediment control Best Management Practices (BMPs) as a standard for all land disturbance activities as outlined in the GESC Manual and to administer these regulations in a manner that respects and is consistent with property rights otherwise granted by law.

**2. Applicability**

- a. These Regulations shall apply to all property within the unincorporated areas of Arapahoe County.
- b. No land disturbance shall occur on any property, unless otherwise exempted via provisions in the GESC Manual without first obtaining a GESC permit from the County. Such permit is subject to all applicable fees.
- c. Persons proposing to conduct regulated land disturbance activities must apply for a GESC permit. Persons proposing to construct a temporary batch plant must apply for a Temporary Batch Plant GESC permit. A GESC permit shall be obtained prior to the start of the land disturbing activities even if a Federal or State agency or other jurisdiction has approved the project and issued a permit.
- d. The Projects that require a GESC permit and the Projects that do not require GESC permit are described in the GESC Manual, as amended. All land disturbing activities shall comply with the provisions of the GESC Manual. Even if a Project is exempt from GESC permitting, BMPs shall still be required for any clearing, grading, or land disturbing activities in accordance with the standards set forth in the GESC Manual, as amended.

**B. PROCEDURAL REQUIREMENTS**

- 1. Anyone proposing an activity requiring a GESC permit, as described in the GESC Manual, shall submit the required information as detailed in the GESC Manual, along with all applicable permit fees. No person shall engage in any regulated land disturbance activity without first obtaining a GESC permit. A GESC permit must be issued prior to or concurrent with the issuance of a building permit.
- 2. Any development activity which is to take place in an area not currently zoned for such activities shall also submit to the rezoning procedures outlined in these Regulations.

**C. OTHER REQUIREMENTS**

- 1. All property owners shall provide construction Best Management Practices (BMPs) to ensure that existing soils are retained on their site, and are not deposited or discharged onto adjacent properties.

2. Final landscaping or established vegetation shall be provided within a specified period of time as defined in Section 4-1.2.F, Use of Parking Facilities
3. No designated off-street parking facilities shall be used for the repair, display, service, or sales of any good or service unless expressly and specifically approved by the County.
4. No area required by the County for the use of private off-street parking shall be used by any party as a commercial parking lot.
5. Any parking spaces designated for guest only shall be signed and enforced by the HOA.

**D. DRIVE-THROUGH, LOADING, AND STACKING**

**1. Number of Required Off-Street Loading Spaces**

The minimum number of off-street loading spaces, plus areas required for access and maneuvering, shall be provided pursuant to Table 4-1.2.5, Required Off-Street Loading Spaces.

TABLE 4-1.2.5 REQUIRED OFF-STREET LOADING SPACES	
Use Category	Minimum Required Loading Spaces
Retail and Commercial Service, and Restaurants, Bars and Hospitality	0 spaces required for buildings < 25,000 sf gross floor area  1 space per 25,000 sf of additional gross floor area or part thereof, up to a maximum requirement of 2 spaces
Light Industry and Heavy Industry	0 spaces required for buildings < 50,000 sf gross floor area  1 space per 50,000 sf of additional gross floor area or part thereof, up to a maximum requirement of 2 spaces

**2. Applicability to Existing Structures**

Off-street loading requirements shall only apply to existing buildings when the gross floor area is increased by more than 50 percent (“redevelopment”). When the gross floor area is increased by more than 50 percent, the required loading spaces shall comply with Table 4-1.2.5 for both the existing building and the expansion.

**3. Design and Use of Off-Street Loading Areas**

**a. Location**

- i. Off-street loading spaces shall be located on the same lot or parcel as the structure or use for which it is provided.
- ii. Trucks parked in a loading area shall not encroach into required parking spaces or building setbacks.
- iii. Parked trucks loading or unloading materials shall not block travel lanes in parking lots or fire lanes.
- iv. Any required off-street loading areas with more than two docking facilities shall not be located adjacent to any Rural Residential or Residential zone district.

**b. Maneuvering**

Loading areas shall be designated to provide for truck backing and maneuvering on-site and not from or within the public rights-of-way.



**c. Screening**

All off-street loading areas that face a public right-of-way shall be appropriately screened from view using a masonry wall, dense vegetated landscape, landscaped berm, or other method as approved by Planning staff.

**E. DRIVE-THROUGH STACKING AREAS**

The following standards apply to properties with a drive-through facility:

**1. Number of Required Stacking Spaces**

Vehicle stacking spaces shall be provided in accordance with Table 4-1.2.6, below. The required stacking distance for the site may be distributed between accesses serving the site, provided that a minimum stacking distance of 20 feet is provided at all access points.

TABLE 4-1.2.6 REQUIRED DRIVE-THROUGH STACKING SPACES		
Drive-Through Activity	Minimum Required Stacking Spaces (per lane)	Measured from Flow Line To
Bank, Financial Institution, or Automated Teller Machine (ATM)	3	Teller window
Restaurant	4	Ordering window
Vehicle Wash (Full Service)	3	Outside of washing bay
Vehicle Wash (Self Service or Automated)	1	Outside of washing bay
Other	Determined by the Planning Manager based on anticipated demand	

**2. Size and Location**

- a. Vehicle stacking spaces shall be a minimum of 8.5 feet in width and 19 feet in length.
  - b. Required vehicle stacking spaces shall not interfere with access to parking spaces. They may be located anywhere on the site provided that multi-modal traffic impacts on- and off-site are minimized and the location does not create negative impacts on adjacent properties due to noise, light, or other factors.
  - c. Electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line with any adjacent Rural Residential or Residential zone district.
  - d. Customers in vehicles shall only be served through service windows or order stations located on the rear of the building or on a side of the building not adjacent to a street frontage.
  - e. Drive-through accessory facilities shall be designed to meet all applicable standards in Section 3-3.4.O, Drive-Through Facility.
3. Landscaping and Screening, and the GESC Manual.
  4. Both the Single-Family Lot Erosion Control Certificate and the Drainage Certificate, as described in the GESC Manual, as amended, shall be required prior to issuance of Certificate of Occupancy for all single-family residential structures within platted subdivisions through the Building Permit process.

**F. REVIEW AND ACCEPTANCE**

The County will review all GESC Plan submittals for general compliance with the criteria in the GESC Manual. Acceptance by the County does not relieve the owner or designer from responsibility of ensuring that calculations, plans, specifications, construction, and as-built drawings are in compliance with the criteria contained herein. Additionally, acceptance by the County does not alleviate the owner or designer from complying with all other applicable Federal, State, or local regulations.

**G. RELATIONSHIP TO OTHER STANDARDS**

1. Nothing in these regulations shall be construed as exempting an applicant from any other requirements of Arapahoe County or other State or Federal laws and regulations.
2. If any Federal or State law or regulation imposes stricter criteria, standards or requirements, these shall be considered for incorporation into the County's requirements after proper notice and public hearing(s).
3. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

**H. AMENDMENTS AND REVISIONS**

The GESC Manual may be amended and revised from time to time by the Board of County Commissioners, following the recommendation of the PWD Director or Planning Commission.

**I. ENFORCEMENT RESPONSIBILITY**

1. The Board of County Commissioners, acting through the PWD Director, shall enforce the provision of these regulations.
2. Failure to comply with any term, condition, limit, deadline or other provision of the GESC Manual or GESC permit or the failure to obtain a GESC permit as required by these regulations constitutes a zoning violation subject to enforcement action by the County.

**5-4.3. Floodplain Permit**

**A. ESTABLISHMENT OF THE FLOODPLAIN DEVELOPMENT PERMIT**

All development proposed within floodplains or special flood hazard areas and all development constructed, installed, commenced, improved or maintained within floodplains or special flood hazard areas shall be required to obtain a Floodplain Development Permit from the Floodplain Administrator in accordance with the procedures established in the Floodplain Management Regulations and shall pay the fee established by the Board of County Commissioners.

**B. ADMINISTRATION**

**1. Floodplain Determination**

- a. Effective with the adoption of these regulations, all development (as defined in Section 7-2) shall be required to apply for a Floodplain Determination prior to beginning any work, for the sole purpose of determining whether, and the extent to which, the Floodplain Management Regulations restrict or regulate development on the applicant's property.
  - i. Development that requires a building permit shall obtain this determination from the Floodplain Administrator in connection with the building permit application process. This determination is coordinated by the Zoning Administrator.

- ii. All other development shall obtain this determination from the Floodplain Administrator.
- iii. All persons obtaining a Floodplain Determination shall pay the fee established by the Board of County Commissioners for that service in addition to other such fees as may be required in the processing of the particular development application.
- b. A Floodplain Determination is only intended to guide Arapahoe County in its application of the Floodplain Management Regulations and cannot be relied upon for any other purpose. Property owners who wish for a reliable determination of whether their property is affected by the floodplain or exposed to flood risks must obtain their own determination from licensed or qualified professionals. No County employees are authorized to make Floodplain Determinations which may be relied upon by any person for any purpose other than a determination of the extent to which the Floodplain Management Regulations shall restrict or regulate development on parcels of property.

## 2. Floodplain Development Permit Requirements

All development (as defined in Section 7-2) proposed within floodplain or special flood hazard areas and all development constructed, installed, commenced, improved, or maintained within a floodplain or special flood hazard area (to the extent permitted by this LDC) is required to obtain a Floodplain Development Permit from the Floodplain Administrator before construction or development begins within any floodplain or special flood hazard area established in Section 4-3.4.B.

- a. For any disturbance of the floodplain, a floodplain development permit shall be obtained from the Floodplain Administrator before start of construction or the beginning of development within any floodplain. The floodplain development permit is required prior to the issuance of building permit, street cut or right-of-way use permit, a grading permit, and any other development, use or change of the use of land in the floodplain. The Floodplain Development Permit is required in addition to other permits or review processes, which may be associated with the underlying zone district. All activities, regardless of impact, are required to be permitted.
- b. Sufficient information must be provided with an application for a floodplain development permit to determine the impact of the proposed activities within the floodplain or special flood hazard area. Refer to the Floodplain Chapter of the Stormwater Management Manual for the Floodplain Development Permit application requirements. These requirements are considered the minimum for each application, unless waived by the Floodplain Administrator.
- c. All necessary Federal, State and local permits shall be secured before the Floodplain Development Permit will be issued.

## 3. Floodplain Variance Procedures

### a. General

- i. The Technical Review Committee (TRC) shall hear and decide appeals and requests for variances from the Floodplain Management Regulations, as defined in the Stormwater Management Manual. An appeal of the TRC's decision may be made to the Director of Public Works and Development. A final appeal may be made to the Board of County Commissioners, who shall have the final decision on all variance requests.

- ii. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances, upon request, to FEMA.
  - iii. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - iv. Upon consideration of the factors noted above and the intent of the Floodplain Management Regulations, the TRC may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations.
  - v. Variances shall not be issued within any designated floodway, if any increase in flood levels would result during discharge of the base flood unless 44 CFR Part 65, Section 12 requirements are met or a County-approved Floodplain Modification study is obtained.
- b. Prerequisites for Granting Variances**  
The prerequisites for granting variances include:
- i. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - ii. Variances shall only be issued upon:
    - (a) Showing a good and sufficient cause;
    - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - (c) A determination that the granting of a variance will not result in increased flood heights, unless:
      - (i) There is an approved Floodplain Modification Study or CLOMR that meets the standards of 44 CFR Part 65, Section 12;
      - (ii) There are no additional threats to public safety;
      - (iii) There will be no extraordinary public expense;
      - (iv) The variance will not create a public nuisance;
      - (v) There is no fraud on or victimization of the public; or
      - (vi) There is no conflict with other applicable laws or ordinances.
  - iii. Any applicant to whom a variance is granted shall be given written notice of the consequence to the variance (e.g., increase in flood insurance premium requirements, FEMA map revision, and/or requirement to obtain easements from other property owners.)
  - iv. Variances may be issued for construction of replacement structures and substantial improvements or damage repairs in floodplains or the SFHA, and for other development necessary for the conduct of a functionally dependent use provided that:
    - (a) The regulations outlined above in subsection 5-4.3.B.3.a of the Variance Procedures are met.
    - (b) The structure or other development is protected by methods that minimize flood damages (e.g. freeboard requirements) during the base flood and create no additional threats to public safety.

- (c) For requests of substantial improvement/damage to existing structures in floodplain or SFHA, there is no increase in footprint from the existing structure.
- (d) No new additional habitable structures are placed within the floodplain or SFHA.
- (e) For requests of substantial improvement/damage to existing structures in the floodplain or SFHA, the footprint of the replacement structure is not located in the floodway, and if relocated is relocated as far out of the floodplain or SFHA as the lot configuration allows.

**c. Standards for Floodplain Variances**

The TRC shall interpret these regulations in a way that strongly discourages filling within the flood fringe. The TRC shall consider all technical and scientific evaluations, the Provisions for Flood Damage Prevention specified in Section 4-3.5, and the following relevant factors:

- i. The danger to life and property due to flooding or erosion damage;
- ii. The danger that materials may be swept onto other lands to the injury of others;
- iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iv. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- v. The compatibility of the proposed use with existing and anticipated development;
- vi. The importance of the services provided by the proposed facility to the community;
- vii. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
- viii. The availability of alternative locations for the proposed use that is not subject to flooding or erosion damage;
- ix. The necessity to the facility of a waterfront location, where applicable.
- x. The impacts of such requests on other properties; and
- xi. In the case of substantial improvements/damage, and repairs to existing structures, the continued reasonable economic use of the property.

#### 5-4.4. Planned Sign Program<sup>425</sup>

**A. INTENT**

A planned sign program is intended to allow some flexibility and deviation from the County's Sign Code in the location, design, number, size, and materials of individual signs permitted for freestanding signage for residential and nonresidential uses, as part of a cohesive sign package. Applicants may include, but are not limited to Metropolitan Districts, Master Developers, Business Improvement Districts, Neighborhood Associations, and/or Homeowners Associations. Except as set forth below, it is not the intent of these provisions to alter the total permitted sign area for any residential or nonresidential use or to allow for any Billboard sign. Under this section, an alternative sign package may be allowed as part of

<sup>425</sup> STAFF: Edited for consistency with Section 4-1.5.N, but we strongly urge you not to repeat this content in both sections.

~~a comprehensive planned sign program, notwithstanding the fact that such signs may not conform to all the specific sign code regulations found elsewhere in this Land Development Code.~~

**B. PURPOSE**

- ~~1. To allow business, industrial and office parks, commercial shopping centers, and residential developments, under single or multiple ownership, to create a branding or community identity program.~~
- ~~2. To reallocate sign area allowed for freestanding signs on nonresidential parcels and within residential developments;~~
- ~~3. To allow for deviations from height, size, and setback requirements permitted in the County's Sign Regulations;~~
- ~~4. This Section applies to areas greater than 25 acres, under single or multiple ownership;~~
- ~~5. Individual businesses within a development may not apply for a Planned Sign Program; and~~
- ~~6. Planned Sign Programs may include standard templates for individual business signs as part of a coordinated sign plan; however individual business signage shall not be included as part of the planned sign program and will require a separate sign permit.~~
1. To allow one or more contiguous lots or parcels under single or multiple ownership that contains at least 25 acres in land to create a branding or community identity program;
2. To reallocate permitted freestanding sign area between or among permitted freestanding signs;
3. To reallocated permitted freestanding sign area to increase maximum fascia sign area facing the same public or private street as the freestanding sign, provided that the maximum fascia sign area on that building façade otherwise provided by this LDC may not be increased by more than 50 percent, and provided that the reallocation may not increase the maximum size of any Top of Façade Sign.<sup>426</sup>
4. To allow for deviations from sign height, size, and setback requirements in this Section 4-1.5 (Signs).

**C. APPROVAL CRITERIA**

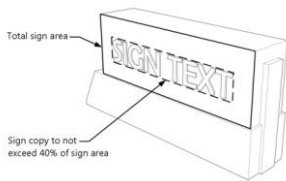
In addition to any other criteria to be considered by the Public Works and Development Department and the Planning Commission related to the approval of an application for a Planned Sign Program, the following criteria shall be considered:

1. The application shall be made on behalf of an entire defined development area; individual businesses within a development may not apply for a Planned Sign Program.
- ~~1.2.~~ The Planned Sign Program may include standard templates for individual business signs as part of a coordinated sign plan.
- ~~2.3.~~ All signage shall be designed to be clean and to minimize visual clutter, with a minimal number of colors on the face of the sign;
- ~~3.4.~~ The proposed Planned Sign Program shall assure that the color scheme, lettering style and materials used in signs within the sign program are consistent with and coordinated within the business/office/industrial park, commercial shopping center, or residential community;

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<sup>426</sup> Added Fall 2023.

- ~~4.5.~~ The proposed signage shall present a cohesive and unified identity for the ~~business/office/industrial park, commercial shopping center, or residential community~~ Planned Sign Program area;
- ~~5.6.~~ The proposed sign program ~~does shall~~ not negatively impact the safety of motorists and pedestrians and shall be developed in a manner compatible with the surrounding environment;
- ~~6.7.~~ The proposed sign program ~~is shall be~~ compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or infrastructure;
- ~~8.~~ The total signage as presented shall be architecturally integrated;
- ~~7.9.~~ The total signage area of all signs shall not exceed the sum of the maximum sign areas that would otherwise be permitted on the property;<sup>427</sup>
- ~~8.10.~~ The height of individual freestanding signs within a Planned Sign Program for areas greater than 250 acres shall not exceed 55 feet for ~~mixed use/~~non-residential uses or 25 feet for residential uses;
- ~~9.11.~~ The height of individual freestanding signs within a Planned Sign Program for areas between 25 and 250 acres shall not exceed 35 feet for ~~mixed use/~~non-residential uses or 12 feet for residential uses;
- ~~10.~~ All signage in the Planned Sign Program shall be for the purpose of identifying the ~~business/ office/industrial park, commercial shopping center, or residential community~~ and shall not include a corporate logo for an individual business or company;
- ~~11.12.~~ The sign copy for a sign shall not exceed 40 percent of each individual sign area shown on the plan set;
- ~~12.13.~~ Monument-style signs shall be designed with architecturally compatible bases and shall avoid a top-heavy appearance;
- ~~13.~~ No pole-mounted signs are permitted;
- ~~14.~~ Signage within the Planned Sign Program may serve as ~~directional or way finding signage for the business, industrial or office park, commercial shopping center, or residential community~~ and shall not include a corporate logo for an individual business or company;
- ~~15.14.~~ An applicant who desires to include a sign program into a PUD shall do so either concurrent with the zoning amendment development review process or by a PUD modification development review process as provided for in this Code.
- ~~16.15.~~ Landscaping shall be included with the Planned Sign Program and shall be designed to minimize negative visual impact of the base of monument and ground signs;
- ~~17.16.~~ Signs, ~~and including~~ associated lighting, shall be designed to minimize negative visual impacts to the adjacent properties;
- ~~18.17.~~ Signage may be allowed in the ~~r~~Right-of-~~w~~Way, on a case-by-case basis, subject to review and approval of the County Engineering Services Division ~~and as part of an approved Planned Sign Program~~;
- ~~18.~~ Signage ~~contained within the Planned Sign Program~~ shall not include signs with ~~changeable messaging any sign that rotates or changes position~~;



<sup>427</sup> New in Spring 2023.

- ~~19. Changeable message signs may not include Electronic Message Centers and may only be located at entrances to a residential subdivision or a parcel or group of contiguous parcels containing a primary civic or institutional use;~~<sup>428</sup>
- ~~20. No change in Electronic Message Center standards otherwise applicable to the parcel is permitted;~~<sup>429</sup>
- ~~21. Signage shall not include any pole sign;~~
- ~~19.22. Signage shall not include any Billboard signs;~~<sup>430</sup>
- ~~20.23. Sign materials may be flexible, such as canvas or fabric and content may be seasonal, if approved as part of a Planned Sign Program;~~
- ~~21.24. If an Alternative sign setbacks may be requested, such request shall be proposed as part of the Planned Sign Program;~~
- ~~22.25. Signs approved as part of the Planned Sign Program and located adjacent to State Highways may be subject to additional requirements of the State of Colorado Department of Transportation (CDOT); and~~
- ~~23.26. The Planning Commission may impose appropriate and reasonable conditions on the approval of any Planned Sign Program, including, but not limited to, conditions which alter sign configurations, reduce sign area, relocate signs, or require other design modifications based upon the application's conformance with the criteria outlined in this section 5-4.4.C.~~

**D. ~~PLANNED SIGN PROGRAM APPLICATION~~APPLICATION AND SUBMITTAL REQUIREMENTS**  
~~Requirements for an application for a Planned Sign Program are contained in the Development Application Manual.~~

- ~~a. Application and Submittal Requirements for a Planned Sign Program are found in the Development Application Manual, Section 2-10.~~
- ~~b. Applications for Planned Sign Programs shall follow the application process outlined in Section 5-2.1.B.~~

**GENERAL PROCEDURES**

- ~~2. Application Process~~  
~~Applications for Planned Sign Programs shall follow the application process outlined in Section 5-2.1.B.~~

**E. ~~BOARD APPROVAL REQUIRED~~<sup>431</sup>**

- ~~1. Applicants for a planned sign program shall obtain approval of a Planned Sign Program from the Zoning Administrator prior to any signs being erected in or upon any structure or property.~~
- ~~2. All signs erected or maintained within the structure or property shall conform at all times to the approved planned sign program.~~
- ~~1. Once an application is determined to be complete, it will be scheduled for consideration before the Planning Commission at a public hearing. Notice of the public hearing shall be provided as required in Section 5-2.2. The Planning Commission shall consider~~

<sup>428</sup> Added Fall 2023.

<sup>429</sup> Added Fall 2023.

<sup>430</sup> New in Spring 2023.

<sup>431</sup> Revised from requirement for Board Approval in Fall 2023. Administrative approval allows for faster processing and avoids potential claims of impermissible prior restraints



~~applications for a planned sign program based on criteria stated in this Section and after review and recommendation by the Public Works and Development Department.~~

- ~~3. The Zoning Administrator shall consider applications for a Planned Sign Program based on criteria stated in this Section 5-4.4 and after review and recommendation by the Public Works and Development Department.~~
- ~~4. The Zoning Administrator shall make a decision to approve, approve with conditions, or deny the application within 60 days after submittal of a complete application.<sup>432</sup>~~
- ~~2. After Planning Commission review and recommendation of the planned sign program, the item shall be placed on the consent agenda of the Board of County Commissioners for review and approval.~~
- ~~3. Applicants for a planned sign program shall obtain approval of a planned sign program from the Board of County Commissioners prior to any signs being erected in or upon any structure or property. All signs erected or maintained within the structure or property shall conform at all times to the approved planned sign program.~~
- ~~4. Any deviations from an approved planned sign program shall be unlawful unless and until a revised planned sign program is approved by the Planning Division Manager and/or Board of County Commissioners.~~

#### F. INDIVIDUAL SIGN PERMITS

Individual sign permits, along with all applicable fees, are required for signs contained within an approved ~~P~~lanned ~~S~~ign ~~P~~rogram. The sign permit is separate and distinct from any additional permit required by the Building Division, Planning Division or other agency within the County.

#### G. AMENDMENT TO AN EXISTING PLANNED SIGN PROGRAM

##### 1. ~~Administrative Amendment~~

~~The Planning Division Manager may administratively approve revisions to a ~~P~~lanned ~~S~~ign ~~P~~rogram, provided the proposed amendment does not alter the approved sign area, the height of any individual sign, or the setbacks.~~

##### 2. ~~Full Amendment:~~

~~Modifications that fall outside of an Administrative Amendment shall follow the same provisions for approval of a ~~P~~lanned ~~S~~ign ~~P~~rogram.~~

##### 1. ~~Submittal Requirements for Planned Sign Program Amendments are found in the Development Application Manual, Planned Sign Program.~~

##### 3. ~~Approval if Compliant~~

~~Provided that the proposed amendment complies with the applicable provisions of this Land Development Code, the proposed amendment will be approved.~~

#### H. REVOCATION OF A SIGN PERMIT

1. Any signs found not to be in conformance with the Planned Sign Program shall be subject to revocation of the sign permit.
2. No refund of any fees will be made if the permit is revoked under the provisions of this Section.

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<sup>432</sup> [Added Fall 2023.](#)

## 5-5 EXCEPTIONS PROCEDURES

### 5-5.1. Special Exception Use

#### A. INTENT

To provide for uses within the unincorporated areas of Arapahoe County which require special review by the Board of Adjustment in order to determine their compatibility with surrounding principal permitted uses. Such uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts which could undermine the integrity of the zoning district in which it would be situated and therefore could jeopardize the health, safety and welfare of the existing community.

#### B. APPROVAL STANDARDS

A Special Exception Use shall be approved only if the Board of Adjustment finds that the proposed Special Exception Use:

1. Complies with the minimum zoning requirements of the zoning district in which the Special Exception Use is to be located;
2. Complies with the submittal requirements of this Chapter;
3. Complies with subdivision standards in Chapter 4 of this LDC and subdivision procedures in Chapter 5 of this LDC;
4. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
5. Will be consistent with the Arapahoe County Comprehensive Plan;
6. Will not result in an over-intensive use of land;
7. Will not have material adverse effect on community capital improvement programs;
8. Will not require a level of community facilities and service greater than that which is available;
9. Will not cause significant air, water, or noise pollution or any other detrimental environmental impacts;
10. Will be adequately landscaped, buffered, and screened;
11. Will not otherwise be detrimental to health, safety, or welfare of the present or future inhabitants of the county.

#### C. LENGTH OF APPROVAL

A Special Exception Use shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The Special Exception Use may transfer with the sale of the land.

#### D. GENERAL PROCEDURES

##### 1. Application Process

Applications for a Special Exception Use shall follow the application process outlined in Section 5-2.1.B. At staff's discretion, the pre-submittal meeting, application submittal and application intake meeting may be combined, and the application may be submitted by email.

##### 2. Public Notice

- a. The applicant shall be responsible for public notice, prior to the Board of Adjustment hearing, in compliance with the public notice requirements in Section 5-2.2.

- b. The County shall provide notice of the public hearing in a newspaper of general circulation in the area at least fifteen (15) days prior to the Board of Adjustment Hearing.
3. **Board of Adjustment Hearing**  
At the hearing, the Board of Adjustment will take one of the following actions regarding the case:
  - a. Approve as submitted;
  - b. Approve with conditions;
  - c. Table (for further information, etc.);
  - d. Take the request under advisement to a date certain for a decision; or
  - e. Deny the request.

### 5-5.2. Temporary Structures

#### A. INTENT

The intent of this section is to provide for the regulation of temporary structures. For the purposes of these Regulations the term “temporary” shall mean a period of up to one year, unless otherwise permitted.

#### B. GENERAL REQUIREMENTS AND PROCEDURES

Prior to the erection and use of a temporary structure, the applicant shall be required comply with the following:

1. The temporary building permit granted by the PWD Building Division shall expire one year from the date of issuance, unless otherwise provided herein. The applicant may reapply before the expiration of the original temporary building permit for a continuation of the permit. Upon a showing of hardship and/or evidence that a permanent structure is being constructed upon the property, the PWD Building Division may issue additional temporary permits. However, in no event shall a maximum of more than two permits be granted per structure. All temporary structures shall be in violation of these Regulations at the expiration of the second permit, and shall be removed.
2. All written requests for renewal of a temporary permit shall be submitted to the PWD Building Division a minimum of 10 working days prior to the expiration date.
3. Prior to the issuance of the permit by the PWD Building Division, the applicant shall post an appropriate bond with the County, as required.
4. The applicant shall meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as may be required by Arapahoe County.

#### C. PERMITTED TEMPORARY STRUCTURES

The following temporary structures are permitted provided the provisions of this section are met and the temporary structure complies with the use specific standards of Section 3-3.6.

1. Temporary Residential Sales or Leasing Offices
2. Other Outdoor Entertainment and Assembly Event
3. Outdoor Circus, Fair or Carnival
4. Roadside Sales Stand
5. Temporary Construction Yard and/or Office

6. Storage Containers/Pods
7. Farmers' Market
8. Seasonal Sales (Tent/Sidewalk Sales, Firework Stands, Christmas Tree Lots)
9. Temporary Residence<sup>433</sup>

### 5-5.3. Temporary Use Permits

#### A. PURPOSE

The following regulations are provided to accommodate certain uses of land or buildings that are short term and temporary in nature and are not listed as allowed or permitted uses under a current zoning approval for the property. These temporary uses shall be regulated so as to avoid incompatibility between such uses and surrounding areas. This section is not intended to apply to those temporary structures that are regulated in Section 5-5.2 of this Code.

#### B. TEMPORARY USES ALLOWED

A Temporary Use Permit may be issued by the Zoning Administrator for uses listed as a permitted temporary use in Section 3-2, Table 3-2.1, Permitted Use Table, of this LDC. Temporary uses which are similar to the temporary uses listed in Table 3-2.1 and which, in the opinion of the Zoning Administrator, are compatible with the zone district and surrounding land uses may be issued a Temporary Use Permit, provided the requirements of this section are met.

#### C. REQUIRED PERMIT

1. A Temporary Use Permit approved by the Zoning Administrator or the Board of County Commissioners shall be required for all uses listed in this Section and shall be issued prior to the commencement of the use.
2. The issuance of a Temporary Use Permit shall not relieve the applicant of any other license or other regulatory requirement of the County or any other public agency.
3. In lieu of the Zoning Administrator making a decision on the Temporary Use Permit application, the Zoning Administrator has the discretion to refer any application to the Board of County Commissioners ("Board") for its consideration and final decision at a public hearing. In such event, the Board shall make its decision based on the requirements of this Section. Compliance with the notice requirements in Section 5-5.3.F, below, is required prior to the Board's public hearing. At such public hearing, the Board may approve, approve with conditions, modify, or deny the application.

#### D. SPECIFIC REQUIREMENTS

1. A Temporary Use Permit shall be valid for a period of time requested and approved in the application but no longer than one year from the date of approval, unless the Zoning Administrator specifies a shorter period of time.
2. The applicant may apply before the expiration of the original Temporary Use Permit for an extension of such permit. The Zoning Administrator may approve an extension to the original time period granted with the permit as long as the extension does not exceed the time limits stated above. All requests to extend a Temporary Use Permit shall be

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<sup>433</sup> **STAFF:** We recommended in the Permitted Use Table above that this use be deleted, and if it is then this item 9 should be deleted as well.

submitted to the Zoning Administrator a minimum of 10 working days prior to the expiration date.

3. No more than two separate Temporary Use Permits may be approved to operate at the same time for the same property.
4. Hours of operation shall be limited to daylight hours unless otherwise approved.
5. Temporary Use Permits may be approved only for the uses and in the zone districts indicated in Table 3-2.1, Table of Permitted Uses, as well as in non-residential areas of a PUD.

**E. GENERAL PROCEDURES**

Applications for Temporary Uses shall follow the application process outlined in Section 5-2.1.B, with the following exceptions:

1. At staff's discretion, the pre-submittal meeting, application submittal and application intake meeting may be combined, and the application may be submitted by email.
2. Referrals shall be sent to all adjacent property owners unless the Zoning Administrator has expanded the notification boundary as appropriate to ensure adequate notice;
3. All referral comments shall be sent to the Zoning Administrator within 14 calendar days of receipt of the referral materials, unless a longer period of time has been specified by the Zoning Administrator.

**F. PUBLIC NOTICE REQUIREMENTS**

1. If a Temporary Use Permit application has been referred to the Board of County Commissioners for a final decision, the property shall be posted with a sign at least 10 calendar days prior to the scheduled hearing and shall otherwise comply with the posting requirements in Section 5-2.2.A of the Land Development Code.
2. The applicant shall also mail a notice of public hearing to all adjacent property owners no later than 10 calendar days prior to the public hearing date. The form of such notice shall otherwise comply with the mail notification requirements of Section 5-2.2.B of this Land Development Code. The Zoning Administrator may expand the notification boundary as appropriate to ensure adequate notice.

**G. DECISION ON APPLICATION**

A Temporary Use Permit may be approved, modified, conditioned or denied by the Zoning Administrator, or by the Board of County Commissioners (when referred to it by the Zoning Administrator for its final decision).

**H. APPROVAL CRITERIA**

The Zoning Administrator or Board of County Commissioners may approve a Temporary Use Permit application provided that all of the following criteria, unless deemed inapplicable, have been met:

1. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
2. That the proposed site is adequate in size and shape to accommodate the temporary use.
3. The site is suitable for the proposed use, considering any hazards, drainage, environmental constraints and topography.
4. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such

temporary use will or could reasonably generate or otherwise mitigated by a traffic control plan, and that adequate provisions for pedestrian safety have been made.

5. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at acceptable alternate locations.
6. That the proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of the proposed location of the activity.
7. The proposed use will not have an adverse impact on roads, public services or facilities, unless otherwise mitigated to standards approved by the County.
8. The proposed use is compatible with the zone district in which the use is proposed.
9. The proposed temporary use is not of such a nature, duration, size, or scale that it would be better accomplished through a rezoning of the subject property.

**I. CONDITIONS OF APPROVAL**

In approving an application for a temporary use permit, the Zoning Administrator or Board of County Commissioners may impose such conditions as are deemed necessary to ensure that the activity will not be detrimental to the general health, safety and welfare, or the existing amenities and quality of the surrounding area. These conditions may involve any pertinent factors affecting the operation of the temporary use, and may include, but are not limited to the following:

1. Provision of temporary parking facilities and safe and convenient vehicular access.
2. Regulation of nuisance factors such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gasses and heat.
3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
4. Provision of sanitary and medical facilities.
5. Provision of solid waste collection and disposal.
6. Provision of a potable water supply.
7. Provision of security and safety measures.
8. Regulation of signs.
9. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested.
10. Submission of a bond or other form of security to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event, that the property will be restored to its former condition, and that the estimated cost of services provided by County or other governmental entity necessary for a Temporary Use are covered.
11. Submission of a site plan indicating and detailing all information requested.
12. Requirement that the approval of the Temporary Use Permit is contingent upon compliance with applicable provisions of any other regulations.
13. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this Section.

**J. REVOCATION**

1. Upon 10 days' prior written notice to a permittee of the County's intention to revoke a Temporary Use Permit and after a hearing, such permit may be revoked by the

Zoning Administrator or the Board of County Commissioners if one or more of the following conditions exist:

- a. Circumstances have been changed by the applicant to such a degree that one or more of the findings of fact contained in the approval can no longer be made in a positive manner.
  - b. The Temporary Use Permit was obtained by misrepresentation or fraud.
  - c. One or more conditions of the temporary use permit has not been fulfilled or complied with.
  - d. That the use is in violation of any statute, ordinance, law, or regulation.
2. In addition to the above, the Zoning Administrator may revoke a Temporary Use Permit without prior notice and a hearing if a temporary use is conducted in such a manner as to pose an immediate danger to the health, safety, and welfare of the public.

#### 5-5.4. Variances and Interpretations to These Regulations

##### A. PURPOSE OF VARIANCE

The purpose of a variance is to allow variance from the strict application of the terms of these Regulations.

##### B. VARIANCES IN USE PROHIBITED

In no case shall a variance be granted to permit a use other than a use permitted in that district.

##### C. GRANT OF VARIANCE

A variance may be granted when, by reason of exceptional circumstances, the literal interpretation or application of these Regulations shall create a hardship.

##### D. APPROVAL CRITERIA FOR VARIANCE

The establishment of a hardship shall be clearly demonstrated by the applicant for variance, and the following conditions must be shown by the applicant:

1. The strict application of these Regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Regulations.
2. Any variance shall not grant special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is located.
3. Because of special, applicable circumstances, including size, shape, topography, or location, the strict application of these Regulations will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; or that there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.
4. That the condition or situation for which the variance is sought is not of so general a nature that the formulation of regulations would be necessary to insure consistent application of the regulations.
5. That the granting of a variance will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of these Regulations.
6. That the granting of a variance will not be contrary to the objectives of the Arapahoe County Comprehensive Plan.

**E. GENERAL PROCEDURE**

**1. Application Process**

Applications for Variances shall follow the application process outlined in Section 5-2.1.B. At staff's discretion, the pre-submittal meeting, application submittal and application intake meeting may be combined, and the application may be submitted by email.

**2. Notice Requirements**

- a. Notice of the Board of Adjustment hearing shall be provided as specified in Section 5-2.2.A (Signs) in locations determined by the Zoning Administrator. Such signs must be visible from the nearest adjacent right-of-way to the parcel associated with the Variance request for a period of not less than 15 days prior to the hearing.
- b. Sign requirements are found in the Development Application Manual, Part 7.
- c. A "Certification of Posting" as outline in the Development Application Manual shall be completed by the applicant and submitted to the Board of Adjustment Secretary. Such certification attests to the continual posting of the public hearing sign in the proper location for the required 15 day period. The Board of Adjustment may require the applicant to testify at the public hearing as to compliance with these procedural requirements.

**5-5.5. Airport Influence Area Waivers**

The Board of County Commissioners may grant waivers from the strict requirements of the Airport Influence Area District regulations, including in the case of reconstruction of a nonconforming use in an area where relocation of the use or rezoning to a conforming use is not feasible.

**A. WHO MAY FILE**

The waiver process may be initiated by application of the property owner or upon the request of the Planning Division Manager, any county commissioner, or may be included within an application for approval of an FDP, SDP or ASP.

**B. TERMS OF WAIVER**

The terms of a waiver shall observe the spirit of these regulations, secure public welfare and safety, and do substantial justice, and shall be limited to the extent necessary to prevent depriving the property owner of all reasonable use of the property.

**C. GENERAL PROCEDURES**

**1. Application Process**

Applications for Airport Influence Area Waivers shall follow the application process outline in Section 5-2.1.B.

**2. Notice Requirements**

- a. Once Arapahoe County staff determines that the application is ready to proceed, a public hearing date will be set before the Planning Commission. Following the Planning Commission hearing a date will be set for a public hearing before the Board of County Commissioners.
- b. Public notice of the Planning Commission and Board of County Commissioners hearings shall be given in accordance with the requirements of the Section 5-2.2.



**D. APPROVAL CRITERIA**

The Planning Commission shall base its recommendation, and the Board shall base its decision to grant the waiver, on one or more of the following factors:

1. Evidence of unique, unnecessary or unreasonable hardships that would occur if the strict letter of the District regulations were enforced and that cannot be satisfactorily mitigated through other means, including appropriate rezoning (decision on variance may be postponed to allow for opportunity to process a rezoning request or to pursue other mitigation efforts).
2. Evidence of irreversible reliance by the applicant on pre-existing terms and conditions of development applicable to the property.
3. Evidence from affected public entities that the failure to obtain a variance is likely to result in a default in the repayment of bonded indebtedness.
4. Evidence of marginal benefit to the public health, safety and welfare that would result by the strict enforcement of the regulations that is out of proportion to the magnitude of the burdens imposed on the property owner.

**E. LIMITATION ON APPLICATIONS**

The Board may elect not to accept more than one waiver application from the property owner in any 12 month period.

**5-5.6. Engineering Waivers**

**A. AUTHORITY**

The Engineering Division has published a document describing the method for requesting and processing requests for variances, exceptions, and waivers of County engineering criteria. Generally, the process involves a three-level authority for hearing and acting on these requests:

1. A Technical Review Committee,
2. The Director of Development Public Works and Development, and
3. The Board of County Commissioners.

**B. UNFAVORABLE CONSIDERATION**

Unfavorable consideration by the Technical Review Committee may be reversed by subsequent action of the Director of Public Works and Development, or ultimately, the Board of County Commissioners. The Board of County Commissioners reserves the right to deny waiver requests approved by the Technical Review Committee or the Director of Public Works and Development.

**C. EXEMPTION FOR DRAINAGE STUDY**

An exception to the three level processes is that individual case engineers may approve an Exemption from the drainage study submittal requirement, without Technical Review Committee action, if certain criteria are met. The specific criteria are set forth in Technical Bulletin 89-2 "Procedures for Processing and Approving Drainage Study Exemptions."

**D. PROCESS**

A waiver request must be made in writing, including requests for the Director of Public Works and Development and/or the Board of County Commissioners to reverse the decisions of the lower authority. Administrative Procedural Directive 88-7, "Variances, Exceptions, and Waivers of County Engineering Criteria," and Technical Bulletin 89-2,

“Procedures for Processing and Approving Drainage Study Exemptions,” are available from the Engineering Services Division office.

## 5-6 SUBDIVISION PROCEDURES

### 5-6.1. General Provisions

#### A. EVIDENCE OF REGIONAL INFRASTRUCTURE

1. All subdivision applications shall provide evidence that sufficient regional infrastructure, facilities, networks or systems (hereafter “regional improvements”) (Sections 4-2.4.B.1.p4-2.4.B.1.p and 4-2.4.B.1.q) are available or can be made available to serve the development proposal. Examples of regional improvements include, but are not limited to: traffic signals; major intersection improvements; utilities; arterial road infrastructure serving public facilities (such as schools, parks, libraries, and government offices); bridges; parks; schools; libraries; and public transportation facilities.
2. The Board of County Commissioners may restrict or postpone approval of the subdivision and the issuance of any new building permits until the needs are met. The restrictions may consist of any action or combination of actions which, in the discretion of the Board, sufficiently provide for the particular regional improvements before the impacts of the subdivision create the need for the improvement. The restrictions determined by Board of County Commissioners may include any of the following:
  - a. Postponement of approval of subdivision plats not yet approved; or
  - b. The imposition of conditions upon approval of the subdivision; or
  - c. Restrictions or limitations on the issuance of building permits or certificates of occupancy; or
  - d. The assessment of fees and charges as needed to equitably provide for the cost of the regional improvements; or
  - e. Required pro-rata contributions toward the cost of the regional improvements prior to approval or permit issuance; or
  - f. Any combination of the above, with the calculation based upon the benefit to the subdivision and the need created or exacerbated by the subdivision.
3. All applications for preliminary and Final Plat approval must include evidence addressing regional improvements.

#### B. NAMING

No subdivision or plat name shall be used which will duplicate, or be confused with an existing or proposed subdivision name. The County reserves the right to name the subdivision.

1. Building Permit
2. No building permit shall be issued unless all of the property covered within such a Final Plat/Replat is covered by an approved Specific Development Plan, Administrative Site Plan, or General Development Plan approved in accordance with Section 5-3.3.E.2.a.i or complies with the building permit process.
3. Building Permit – Exempted From Subdivision  
No building or construction permit shall be issued covering unplatted property prior to approval of the Final Plat, unless the property has been specifically exempted from Final

Plat requirement by definition or by official action of the Board of County Commissioners.

## 5-6.2. Preliminary Plat

### A. INTENT

A Preliminary Plat is one of the first documents utilized when owners of a property wish to subdivide their property in accordance with State Statutes, the subdivision standards in Chapter 4 of this LDC, and the subdivision procedures in Chapter 5 of this LDC. This Plat is preliminary in nature and the configuration of lots and roadways are considered a minimum requirement that may be subject to revision with the Final Plat review. The appropriateness of the number, configuration and size of the lots will be established by the Board of County Commissioners with Final Plat approvals, when applicable, which could require changes to a Preliminary Plat. The Preliminary Plat shall include all of the contiguous land owned and proposed for development. Special circumstances, such as a road right-of-way, may exist regarding the contiguity requirement and will be reviewed on a case-by-case basis.

### B. APPROVAL STANDARDS

A Preliminary Plat may be approved upon the finding by the Board of County Commissioners that:

1. The Applicant has provided evidence that provision has been made for a public water supply system, and if other methods of water supply are proposed, adequate evidence that a water supply is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed [Section 30-28133(6)(a) C.R.S.];
2. The Applicant has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [Section 3018-133(6)(b) C.R.S.]; and
3. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the Subdivider and that the proposed use of these areas are compatible with such conditions. [Section 30-281 33 (6) (c) C.R.S.]
4. The application is in compliance with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.
5. The application is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest as adopted in the Arapahoe County LDC.

### C. GENERAL PROCEDURES

#### 1. Application Process

- a. Applications for a Preliminary Plat shall follow the application process outline in Section 5-2.1.B.
- b. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is 21 days and can be extended by up to 30 additional days by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to

respond within the prescribed time period (or extended period) shall indicate approval by that agency.

**2. Notice Requirements**

- a. Once Arapahoe County staff determines that the application is ready to proceed, a public hearing date will be set before the Planning Commission. Following the Planning Commission hearing a date will be set for a public hearing before the Board of County Commissioners for final consideration. The applicant shall be notified of the times and dates of the hearings.
- b. Public notice of the Planning Commission and Board of County Commissioners hearings shall be given in accordance with the requirements of Section 5-2.2.

**3. Decision and Findings**

- a. The Preliminary Plat submittal, along with the recommendations of the Planning Commission and staff, shall be presented on the consent agenda of the Board of County Commissioners; the Board has discretion to remove the Preliminary Plat from the consent agenda.
- b. The Board shall evaluate the Preliminary Plat, staff recommendations, referral agency comments, Planning Commission recommendations and public testimony and other information relevant to the plat and shall take one of the following actions:
  - i. Approve,
  - ii. Conditionally approve,
  - iii. Table for further study,
  - iv. Deny the Preliminary Plat.
- c. The Board's action shall be based on compliance with the adopted standards, regulations, policies and other guidelines.

**4. Resubmittal**

If denied by the Board, the resubmittal of a Preliminary Plat application for the same or substantially same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one-year period from the date of such denial. The Applicant may appeal the decision of the Planning Division Manager or designee, in writing, to the Board within 10 days from the date of the decision. An application can be withdrawn, without prejudice, at any time during the process.

**D. EXPIRATION OF APPROVAL**

Effective from the date of approval, the Preliminary Plat is valid for 12 consecutive months. Prior to the expiration of the Preliminary Plat, the Applicant may submit a request in writing for an extension to the Planning Division Manager or designee. An extension may be granted pursuant to guidelines approved by the Planning Division Manager or designee for an additional 12 consecutive months. Preliminary Plat approval shall automatically extend for at least one additional consecutive 12-month period if, at the expiration of the initial approval period, a Final Plat application has been accepted for processing and approval is actively being sought.

**5-6.3. Final Plat**

**A. INTENT**

The Final Plat is one of the documents utilized to finalize land ownership and related interests within the proposed subdivision boundaries. At this stage of development, the

subdivider is responsible for finalizing right-of-way and other public land dedications, if applicable, lot and block configurations and easement dedications. In addition, all public improvements associated with the proposed subdivision are identified and quantified, and the subdivider may be required to enter into a Subdivision Improvement Agreement with the County, which guarantees that the appropriate improvement costs are borne by the subdivider. The Final Plat shall include one contiguous parcel of land owned and proposed for development. Special circumstances, such as a road right-of-way, may exist regarding the contiguity requirement and will be reviewed on a case-by-case basis.

**B. APPROVAL STANDARDS**

A Final Plat may be approved upon the finding by the Board that:

1. The Applicant has provided evidence that provision has been made for a public water supply system, and if other methods of water supply are proposed, adequate evidence that a water supply is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed [Section 30-28-133(6)(a) C.R.S.];
2. The Applicant has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [Section 30-28-133(6)(b) C.R.S.]; and
3. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. [Section 30-28-133 (6) (c) C.R.S.]
4. The application is in compliance with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.
5. The application is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest as adopted in the Arapahoe County Zoning Regulations.
6. For property zoned for residential uses, written evidence must be presented to show that the applicable school district can adequately serve the student population expected to be generated from the development. The Board may deny a subdivision request for which the evidence shows that the applicable school district cannot adequately serve the student population generated by the development.

**C. GENERAL PROCEDURES**

1. **Application Process**
  - a. Applications for a Final Plat shall follow the application process outline in Section 5-2.1.B.
  - b. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is 30 days and can be extended by up to 30 additional days by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.
2. **Notice Requirements**
  - a. Following referral agency review, the PWD Department staff will determine the applications readiness for a public hearing with the Board of County Commissioners.

When determined ready, the Final Plat will be scheduled with the Board of County Commissioners at a public hearing.

- b. Notice of the hearing shall be provided as required in Section 5-2.2.

3. **Decision and Findings**

- a. At a public hearing, the Board of County Commissioners shall evaluate the Final Plat, staff report, referral agency comments, public testimony and shall either approve, conditionally approve, table for further study or deny the Final Plat. The Board's action shall be based on the evidence presented and compliance with the adopted standards, regulations and policies.
- b. If denied by the Board, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision.

**D. RECORDATION AND LAPSE OF APPROVAL**

Approval and recordation of a Final Plat is subject to the provisions of Sections 5-2.1.G through 5-2.1.K.

**E. LIMITATIONS PRIOR TO APPROVAL OR RECORDING OF FINAL PLAT**

- 1. No Final Plat shall be recorded until the subdivider has submitted, and the Board of County Commissioners has approved, one or a combination of the Subdivision Improvement Agreements.
- 2. No building or construction permit shall be issued covering unplatted property prior to filing and approval of the Final Plat, unless the property has been specifically exempted from the subdivision process by definition or by official action of the Board of County Commissioners exempting said property from the Subdivision process.
- 3. No plat shall be approved by the Board of County Commissioners unless such property is classified in the appropriate zoning district as defined in the current Arapahoe County Land Development Code.

**F. IMPROVEMENT REQUIREMENTS**

1. **General Provisions**

Prior to approval of the Final Plat, the Board of County Commissioners will require one or a combination of the following:

- a. An Improvement Agreement agreeing to construct any required public improvements shown in the Final Plat documents, together with collateral which is sufficient, in the judgment of the Board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications, or
- b. Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the Final Plat documents which, in the judgment of the Board, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

2. **Improvements**

As improvements are completed, the subdivider may apply to the Board of County Commissioners for a release of part or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with the Regulations, it shall furnish the subdivider a list of specific

deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.

**3. Time Schedule for Constructing Public Improvements**

Public improvements must be completed within the time frame designated in the approved Improvement Agreement. In the event that such installation is not completed within the time frame set forth in the Improvement Agreement, the subdivider must provide conclusive evidence that an extension of time is in the public interest. In the event that such installations are not made, the Board of County Commissioners may withdraw adequate funds from the subdivider's financial collateral to install the public improvements.

**4. Permitting, Inspection, Testing, and Acceptance of Public Improvements**

- a. Permitting requirements for public improvements construction are delineated in the Arapahoe County Infrastructure Design and Construction Standards. These include requirements for construction permits and street cut permits.
- b. Inspection and testing requirements for public improvements construction are delineated in the Arapahoe County Infrastructure Design and Construction Standards.
- c. Acceptance procedures for transferring maintenance responsibility from the subdivider/developer to Arapahoe County are delineated in the Arapahoe County Infrastructure Design and Construction Standards.

**5. Optional Review and Approval Schedules for Public Improvement Final Construction Plans**

Because circumstances and priorities vary significantly from one subdivision application to another, three options are available to a subdivider for PWD approval of final construction plans for public improvements:

**a. Standard Approval Process**

The construction plans submitted with the final plat represent a preliminary design of public improvements. These documents are reviewed primarily to establish the scope of the Improvement Agreement and to support the cost estimate and collateral for the agreement. Final construction plans for the public improvements are submitted after Board approval of the Final Plat, i.e. after right-of-way dedication to the County. PWD reviews the plans. When the final construction plans comply with all engineering provisions set forth by the PWD Department, the PWD Director approves them. The subdivider may then apply for construction permits to build the improvements. This option normally results in construction plan approval from four to eight weeks after the Board of County Commissioners' approval of the plat.

**b. Concurrent Approval of Final Construction Plans with Final Plat Approval**

For circumstances in which the subdivider desires to start public improvements construction immediately following Board of County Commissioners' approval of the Final Plat, the following process should be followed:

- i. At the first resubmittal of construction plans following the Planning Commission hearing that recommends the proposed subdivision favorably, the applicant should submit a letter indicating his goal of concurrent plat and final construction plan approval.
- ii. Final construction plans submitted at this time must meet the requirements of the Arapahoe County Infrastructure Design and Construction Standards for completeness of design and material requirements detail. The corresponding Phase III Drainage Report must be in full accord with the County's Stormwater Management Manual.
- iii. Final construction plans submitted must be accompanied by the appropriate application form and review and approval fee.
- iv. Engineering review will proceed as if right-of-way dedications were complete. When the final construction plans meet all the requirements of the Arapahoe County Infrastructure Design and Construction Standards, the applicant will be notified. If this condition is reached prior to the Board of County Commissioners' Final Plat hearing, the approval of plans (signing by the PWD Director) will be deferred until the Final Plat is approved by the Board of County Commissioners. If this condition is reached after Board of County Commissioners approves the plat, the plans will be signed at the next scheduled review committee meeting by the PWD Director.
- v. NOTE: The applicant's letter requesting final construction plan approval through the expedited process guarantees only that detailed review by staff will start before Board of County Commissioners approval of the plat. No warranty is given that construction plan approval will be concurrent with Final Plat approval by the Board of County Commissioners.

**6. Approval of Public Improvement Final Construction Plans Prior to Final Plat Approval**

For circumstances in which subdivider's desire to construct public improvements at the subdivider's own risk prior to the Board of County Commissioners' approval of the Final Plat, several conditions must be met:

- a. The land developer initiates the process by submitting a letter stating the desired objective of starting construction of public improvements prior to plat approval. This letter should be submitted to the Director, Department of Public Works and Development, explaining the circumstances and justification for this request.
- b. Final construction plans prepared in accordance with the Arapahoe County Infrastructure Design and Construction Standards and the Phase III Drainage Report must be submitted at least eight weeks prior to the expected construction start date. This submittal must be accompanied by the appropriate application form and review/approval fee.
- c. The applicant must provide the County a deed or other legal conveyance, granting to the County title to the land which is to become roadway right-of-way. The Board of County Commissioners must accept title to the land, or reach another equivalent agreement acceptable to the County Attorney, before the PWD Director may approve public improvement construction plans on unplatted land.
- d. This process is not typically used. We recommend that land developers wishing to build public improvements prior to Final Plat approval schedule pre-submittal meetings with the County Attorney's office and the PWD Director's office.



- e. Any final construction plan approvals granted through this process are subject to subsequent revision during the subdivision process. The land developer assumes this risk when constructing prior to subdividing. The County does not imply, assert, or guarantee to the applicant that revisions, additions or deletions of certain public improvements may be required when the land served by the public improvements is eventually subdivided.

**G. MONUMENTATION**

1. The subdivision shall be monumented pursuant to subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) of Section 38-51-105, Colorado Revised Statutes.
2. Where applicable, the monuments set on the boundary of the subdivision shall be 30" long solid steel pins, 1/2" - 3/4" in diameter, set in concrete at least 6" in diameter and 12" in depth.
3. The monuments found or set at each corner, angle point, PC and PT of the exterior boundary of the subdivision shall be described on the plat.
4. The surveyor representing the subdivider shall install 30" long solid steel pins, 1/2" - 3/4" in diameter. These pins shall be firmly anchored in compacted or moist earth and shall be placed so that the top of the pin is approximately 3" below finish grade. Affixed to the top of these pins shall be a metal cap bearing the registration number of the responsible surveyor and a punch point indicating the actual point location. Range points shall be set along the centerline of all public rights of way and on the centerline of private streets located within detached single family residential subdivisions at the following locations:
  - a. PC's, PT's and angle points
  - b. Intersections and centers of cul-de-sacs
  - c. Intersection of and with the subdivision boundary
  - d. The maximum spacing between range points shall be 1,400 feet.
5. The accuracy of the range points shall be one (1) in fifteen thousand (15,000). The plat shall indicate where the range points will be installed and describe the monuments to be set.

**H. RANGE POINT BOXES**

All range points shall be housed in a range box as shown on standard drawing SP-14 of the County's Roadway Design and Construction Standards Manual. Range boxes shall be installed after streets have been paved. The top of the range box shall be set approximately 1/4" below finish grade.

**I. OFFSETS**

1. Offsets which are to be set on the extension of any lot, tract or parcel boundary line shall be noted on the plat at the time of recording and shall comply with Section 38-51-105 C.R.S. This note shall specify the standard offset distance and any nonstandard distances.
2. An example of a note is as follows: All offsets are 1" metal disks embedded in concrete sidewalks set on the lot line extended, 5 feet from the platted lot corner along all streets except as follows:
  - a. Nonstandard offsets for lot lines between:
    - i. Lots 2 and 3, Block 1 is 5.87 feet
    - ii. Lots 6 and 7, Block 13 is 6.03 feet

- b. If no offset monuments are to be set in conjunction with the plat the following note shall be included on the plat:

Note: No offset monuments are to be set in conjunction with this plat.

**J. BENCHMARKS**

The Surveyor representing the subdivider shall establish permanent benchmarks for the subdivision. One benchmark shall be established for each 20 acres or fraction thereof. The County only accepts benchmarks using NAVD88 datum. Each benchmark must be an easily accessible, permanent metal monument stamped with the following information:

1. Date it was established.
2. Elevation.
3. PLS number of the surveyor who established it.

#### 5-6.4. Replat

**A. INTENT**

The Replat Procedure may be used where: the land has already been subdivided, there is an approved Final Plat for the property, and the replat is consistent with the approved Preliminary Plat and Final Plat.

**B. DETERMINATION**

The Planning Division Manager or designee shall determine whether the replat of all or a portion of a subdivision is to be processed as a full replat or as an Administrative Replat based upon, but not limited to the following factors; design, size, public concern, public facilities, services, access and transportation network.

**C. PROCESSING**

1. When determined by the Planning Division Manager or designee to meet the administrative criteria for a replat, the replat shall be processed in accordance with Administrative Replat regulations, herein.
2. When determined by Planning Division Manager or designee to meet the criteria for a full replat, the replat shall be processed in accordance with Final Plat regulations, herein.

#### 5-6.5. Administrative Replat Procedure

**A. INTENT**

These procedures are to provide an abbreviated process for Replat applications that demonstrate compliance with the criteria contained herein. The Administrative Replat process is intended to be accomplished within a 30 business day period. This time frame may vary depending upon the circumstances of each individual case. A Final Development Plan, Specific Development Plan or Administrative Site Plan shall be completed for each site prior to building permits being issued when applicable. The Administrative Replat shall include one contiguous parcel of land within the boundaries of one subdivision. Right-of-way cannot be included within the boundaries of an Administrative Replat. Parcels separated by Right-of-Way cannot be replatted administratively.

**B. PREREQUISITE**

The criteria for the Planning Division Manager in making the administrative designation shall include, but not be limited to, the following:

1. An overall final Drainage Report and street construction plans have been approved for the Final Plat governing the Administrative Replat proposal and a subdivision improvement agreement is in place to guarantee all required public improvements. (Approved by the Board of County Commissioners 10/29/02 Resolution #020975)
2. No additional right-of-way dedications, public improvements, traffic studies, drainage studies or subdivision improvement agreements are required.
3. The perimeter boundaries of the Administrative Replat coincide with existing lot lines. The perimeter boundary of the existing subdivision is not affected.

**C. ADMINISTRATIVE REPLAT DETERMINATION**

1. Following the Pre-submittal meeting, the proposal will be presented to the Planning Division Manager or designee for final determination as to whether the proposal can be processed administratively. The Applicant will be notified by the case planner of the determination to approve or deny the request for administrative processing as soon as practical.
2. The Planning Division Manager or designee reserves the right to refer any request for an Administrative Replat to the Board of County Commissioners for consideration at a regular meeting of the Board. The Planning Division will notify the Applicant if the Division Manager or designee determines that Board review is desired.
3. If the Planning Division Manager or designee denies a request for Administrative Replat process, the Applicant can appeal the decision to the Board of County Commissioners, within 10 working days of the Division Manager's decision, by filing a letter of appeal with the Planning Division. The Planning Division Manager or designee will notify the Board of County Commissioners upon receipt of the letter of appeal and the matter will be scheduled within 30 days for final Board of County Commissioners determination. The Applicant will be notified by the Planning Division of the date the Board will consider the appeal and is required to provide justification on his/her behalf.
4. Upon a determination that the application can be processed administratively, the Applicant must submit the formal application within 60 days of the Planning Division Manager's determination that an Administrative Replat is allowed. Failure to submit within the 60 working days of the Planning Division Manager's determination, in writing, will render the decision voidable.
5. The Planning Division Manager or designee at the Division Manager's discretion may waive the Pre-submittal conference. If a waiver is granted, the Division Manager will issue a letter of confirmation.

**D. APPROVAL CRITERIA**

The Planning Division Manager or designee and the Board of County Commissioners shall consider the following criteria for approval of an Administrative Replat:

1. Whether the Administrative Replat is consistent with the efficient development and preservation of the entire Final Plat;
2. Whether the Administrative Replat will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.
3. A lot line vacation when there is no increase in the number of lots in the original plat, i.e., the combination of two or more lots into one lot up to a maximum of four lots.

4. An adjustment of a lot lines for a maximum of four existing lots (e.g., four lots into two lots), in which the original subdivision is not substantially modified and additional lots are not created.
5. Use of the Administrative Replat Procedures is compatible with the site's existing Planned Unit Development, when applicable as well as and the County Comprehensive Plan.
6. Approval is in keeping with the spirit and intent of the Section 4-2.4, Land Division Standards, and will not weaken the purposes of Section 4-2.4.
7. Approval will not adversely affect public health, safety, and welfare.
8. The subdivision of lots within an approved Final Plat for property located within an approved Master Development Plan.

#### E. GENERAL PROCEDURES

1. **Application Process**
  - a. Applications for an Administrative Replat shall follow the application process outline in Section 5-2.1.B.
  - b. The case planner will refer the Administrative Replat document and relevant submittal information for a 14 day internal review to various County Departments and Divisions, including but not limited to the Board of County Commissioners and the PWD Department. If the application has not adequately addressed all outside referral agencies through submittal letters of approval (see Development Application Manual, Administrative Replat). Planning staff will notify those agencies with a 14 day referral period. This referral process may extend the 30 day review period.
  - c. The Applicant will be notified of any outstanding issues upon completion of this internal review.
2. **Decision and Findings**

Upon receipt of all required information, PWD Department shall review the formal submittal within five business days to determine if it is consistent with the standards set forth in these regulations, completion of all outstanding issues raised by the referral process and staff's determination that the Administrative Replat complies with all specified Plat content requirements per the Development Application Manual, Administrative Replat.
3. **Recordation and Expiration of Approval**

Administrative Replats are subject to the recordation and expiration of approval provisions of Section 5-2.1.H through 5-2.1.J.

#### 5-6.6. Minor Subdivision

##### A. INTENT

1. To provide a streamlined review process for subdivisions of land that are determined to be minor in nature in accordance with Section 30-28-101 (10) (d) C. R. S.
2. A Minor Subdivision is any subdivision that:
  - a. Creates no more than four parcels;
  - b. Does not require the extension of municipal/public facilities or the creation of significant public improvements as determined by the PWD Department;
  - c. Fronts an existing street and does not involve any new streets;

- d. Does not adversely affect the remainder of the parcel or adjoining property; and
- e. Is not in conflict with any provisions of the Arapahoe County Comprehensive Plan, Zoning Resolution or these regulations.

**B. PREREQUISITES**

1. Prior to submittal of a Minor Subdivision application, the Applicant shall meet with staff at a Pre-submittal meeting to discuss the procedure and submittal requirements. If it is determined that the Applicant is using the Minor Subdivision process to circumvent the subdivision process, such as the submittal of adjoining multiple minor Subdivisions, the Applicant shall be required to comply with the Preliminary Plat and Final Plat processes.
2. A Minor Subdivision shall not be permitted if the subdivision creates a nonconforming lot, or in the case of an existing nonconforming lot or parcel, a Minor Subdivision shall not increase the nonconformity.
3. The Minor Subdivision shall include one contiguous parcel of land owned and proposed for Subdivision.

**C. GENERAL PROCEDURES**

**1. Application Process**

- a. Applications for a Minor Subdivision shall follow the application process outline in Section 5-2.1.B.
- b. Minor Subdivisions shall be processed in accordance with the requirements, standards and procedures for Final Plats, Section 5-6.3 of this LDC.
- c. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is 30 days and can be extended by up to 30 additional days by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

**2. Notice Requirements**

- a. Once Arapahoe County staff determines that the application is ready to proceed, a public hearing date will be set before the Planning Commission. Following the Planning Commission hearing a date will be set for a public hearing before the Board of County Commissioners for final consideration. The applicant shall be notified of the times and dates of the hearings.
- b. Public notice of the Planning Commission and Board of County Commissioners hearings shall be given in accordance with the requirements of Section 5-2.2 of this LDC.

**3. Decision and Findings**

- a. The Planning Commission and Board of County Commissioners shall evaluate the Minor Subdivision, staff report, referral agency comments, public testimony and shall take one of the following actions:
  - i. Approve,
  - ii. Conditionally approve,
  - iii. Table for further study, or
  - iv. Deny the Minor Subdivision.

The Commission's recommendation and Board's decision shall be based on the approval standards for a Final Plat and shall be based on the evidence presented and compliance with the adopted standards, regulations and policies.

- b. Depending upon the location and nature of the Minor Subdivision, infrastructure improvements may be required as outlined in Section 5-6.3.F for Final Plats.

**4. Recordation and  
Expiration  
of Approval**

Minor Subdivision Plats are subject to the provisions of Sections 5-2.1.G through 5-2.1.K.

**5-6.7. Vacation of Roadways, Public Easements, and Plats**

**A. INTENT**

To provide a review process for vacation of a roadway; public easement; or recorded plat in order to vacate the County's interest without harm to the public health, safety and welfare.

**B. APPROVAL STANDARDS**

A vacation shall be in accordance with adopted standards and criteria and may be approved upon the finding that:

1. The vacation is in accordance with any original conditions of approval for a plat, preliminary development plan, final development plan, general development plan, specific development plan, or other applicable documents;
2. The vacation is in keeping with the spirit and intent of Section 4-2.4, Land Division Standards;
3. Platted or deeded roadways or portions thereof, or unplatted or undefined roadways which have arisen by public usage shall not be vacated so as to leave any land adjoining said roadway without an established public road or private access easement connecting said land with another established public road. [43-2-303(2)(a) C.R.S.]
4. If it is a State Highway, the Transportation Commission approves. [43-1-106(11) C.R.S.]

**C. ROADWAY VACATION PROCESS**

The Board of County Commissioners is authorized to vacate roadways, which include any platted or designated public street, alley, lane, parkway, avenue, road or other public way designated or dedicated on a plat, conveyed by deed, recorded easement, acquired by prescriptive use or other legal instrument whether or not it has ever been used as such, pursuant to Article 2 of Title 43 C.R.S. as amended.

**1. Vesting of Title**

Vesting of title upon vacation shall be in accordance with Section 43-2-302 C.R.S., as amended.

**2. General Procedures**

**a. Application Process**

- i. Applications for a Final Plat shall follow the application process outlined in Section 5-2.1.B.
- ii. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is 21 days and can be extended by up to 30 additional days by mutual consent of the Applicant and the Planning Division Manager or designee. Failure

of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

**3. Notice Requirements**

- a. Following referral agency review, the PWD Department staff will determine the application's readiness for a hearing with the Board of County Commissioners. When determined ready, the Roadway Vacation will be scheduled with the Board of County Commissioners for final consideration. The Applicant will be notified of the hearing date and time.
- b. The Applicant shall be responsible for public notice prior to the Board of County Commissioner's hearing in compliance with the public notice requirements in Section 5-2.2.

**4. Decision and Findings**

The Board shall evaluate the Vacation request, referral agency comments, staff report and public testimony and shall approve, conditionally approve, table for further study, remand to the Planning Commission or deny the vacation request. The Board's action shall be based on the evidence presented, and compliance with the adopted standards, regulations, policies and other guidelines.

**5. Resubmittal**

An application shall not be resubmitted within one year of the date of denial. However, if the Planning Division Manager or designee determines that the resubmitted vacation application has been modified to correct the stated objections, then the resubmittal will be accepted.

**D. VACATION OF PLAT OR PUBLIC EASEMENT PROCESS**

**1. General Procedures**

**a. Application Process**

- i. Applications for a Vacation of Plat or Public Easement shall follow the application process outlined in Section 5-2.1.B.
- ii. Once an application is determined complete, staff will refer it to the appropriate County Departments and outside agencies, Home Owner's Associations, and others if deemed appropriate by staff. The referral agencies shall comment within 15 business days of receiving the packet.

**2. Notice Requirements**

- a. Following referral agency review, the PWD Department staff will determine the application's readiness for a hearing with the Board of County Commissioners.
- b. When determined ready, the Vacation will be scheduled with the Board of County Commissioners for final consideration at a public meeting. Notice of the public hearing shall be in accordance with the requirements of Section 5-2.2. The Applicant will be notified of the meeting date and time.

**3. Decision and Findings**

- a. The Board of County Commissioners shall evaluate the vacation request, referral agency comments, staff report and any public comment or referral responses

concerning the proposed vacation, and shall take action to approve, conditionally approve, table for further study, or deny the vacation request.

- b. The Board's action shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.

**E. RECORDATION PROCEDURE – ALL VACATIONS**

Upon approval by the Board, the recordation of the necessary deeds required by the vacation along with the Vacation Exhibit is subject to the requirements of Sections 5-2.1.H through 5-2.1.J.

**5-6.8. Plat Correction**

**A. INTENT**

To provide a process to correct errors and/or omissions on a recorded subdivision plat.

**B. PREREQUISITES**

1. The surveyor who prepared the subdivision plat or the surveyor's representative must initiate the plat correction process. The plat correction process cannot be used if the surveyor of record either cannot change the plat due to death, retirement or relocation or will not correct the errors on the plat.
2. Depending upon the nature of the corrections, there are two processes that may be used to correct a plat: the Affidavit of Correction or the Correction Plat:
3. The Affidavit of Correction is used to correct minor errors and/or omissions on a plat. These would include minor typographical errors and errors in distances, angles or bearings.
4. A Correction Plat is used to correct a recorded subdivision plat when the errors and/or omissions are too numerous or substantial to be corrected by an affidavit of correction.
5. The surveyor is required to meet with the Mapping Section to determine if the plat correction process is applicable, and then determine which plat correction process would be most appropriate.

**C. AFFIDAVIT OF CORRECTION**

**1. Process**

- a. After determining that the Affidavit of Correction process is appropriate, the surveyor or the surveyor's representative shall submit a completed Affidavit of Correction bearing the original signature and seal of the surveyor to the Planning Division office.
- b. The staff planner will refer the Affidavit of Correction to the Mapping Section, Engineering Division and any other referral agencies that may have an interest in the corrections.
- c. The referral agencies shall have 14 working days to return comments on the Affidavit of Correction to the staff planner. Upon final review by the referral agencies and the PWD Department, the staff planner will have the Affidavit of Correction signed by the Planning Division Manager or the designee. The staff planner will then have 14 working days to record the Affidavit of Correction in the Office of the Clerk and Recorder. The staff planner shall also provide a copy of the recorded Affidavit of Correction to the Mapping Section.

**2. Approval Standards**

An affidavit of correction may be approved upon finding that:



- a. The corrections are in accordance with adopted standards and criteria and the original conditions of approval;
- b. The corrections are in keeping with the spirit and intent of the 4-2.4, Land Division Standards; and
- c. The approval will not adversely affect the public health, safety and welfare of the residents and property owner in Arapahoe County.

**D. CORRECTION PLAT**

**1. Process**

- a. After determining that the Correction Plat process is appropriate, the surveyor or the surveyor's representative will submit the Correction Plat to the Planning Division office.
- b. Upon receipt of all required information, the Planning and Engineering Division shall review the formal submittal within five business days to determine if it is consistent with the standards set forth in these regulations.
- c. The case planner will refer the plat document and relevant submittal information for a 14 day internal review to various County departments and divisions as determined by the PWD Department.
- d. The Applicant will be notified of any outstanding issues upon completion of this internal review.
- e. The Applicant shall submit a final mylar for signature by the Board of County Commissioners following completion of all outstanding issues raised by the referral process and staff's determination that the Correction Plat complies with all specified plat content requirements per the Development Application Manual, Correction Plat.

**2. Approval Standards**

An affidavit of correction may be approved upon finding that:

- a. The corrections are in accordance with adopted standards and criteria and the original conditions of approval;
- b. The corrections are in keeping with the spirit and intent of the 4-2.4, Land Division Standards; and
- c. The approval will not adversely affect the public health, safety and welfare of the residents and property owner in Arapahoe County.

**E. RECORDATION AND LAPSE OF APPROVAL**

Affidavits of Correction and Correction Plats shall be subject to the provisions of 5-2.1.H through 5-2.1.J.

**5-6.9. Subdivision Exemption**

**A. INTENT**

To establish criteria and a review process whereby the Board of County Commissioners may grant Exemptions from the definition of the terms "subdivision" and "subdivided land" for any division of land if the Board determines that such a division is not within the purpose of Article 28, Title 30 of the Colorado Revised Statutes.

**B. ELIGIBILITY/APPROVAL CRITERIA**

- 1. The Planning Division Manager or designee shall initially determine whether or not the application meets the intent of the Subdivision Exemption. If the application does not

meet the Exemption criteria set forth in these regulations, the application will be required to comply with the applicable subdivision process as set forth in the Land Development Code. For any such requested exemption, the County may require from the applicant any public improvements, right-of-way dedication, dedication of land or cash-in-lieu thereof, as needed to address development impacts of the exemption proposal in accordance with the applicable requirements of the Land Development Code.

2. The Board may approve Subdivision Exemptions upon the finding that one or more of the following criteria apply:
  - a. Land is being used for public or quasi-public purposes including but not limited to: utility facility, park, open space, fire station, sheriff substation, library, metro district office, water/sewage facility, cemetery, and school district facilities.
  - b. A boundary line adjustment between parcels of 35 acres or greater in size and where no additional parcels are created. An application for exemption that qualifies under this provision may be approved even though the boundary line adjustment may reduce the size of one of the parcels to less than 35 acres.
  - c. Exemptions that create additional parcels shall be permitted for parcels with more than one principal residence provided that all of the following criteria are met:
    - i. Each residence was constructed in conformance with the applicable County regulations in effect at the time the residence was constructed;
    - ii. Each residence shall have a documented history of continuous use as a single-family dwelling since May 5, 1972;
    - iii. Legal and physical access shall be provided to all parcels by public right-of-way or recorded easement acceptable to the Arapahoe County Engineering Division.
    - iv. No more than four parcels shall be created from a 35 acre maximum sized parcel.
  - d. Other divisions of land that were created by a deed recorded in the Office of the Arapahoe County Clerk and Recorder, without having been first approved for subdivision in accordance with the applicable Arapahoe County Subdivision Regulations in effect at the time of the division, may be approved for a subdivision exemption pursuant to this Section 5-6.9 (Subdivision Exemption) provided that all of the following apply:
    - i. The lot or parcel was created before July 31, 2018.
    - ii. The current owners did not create the lot or parcel and had no involvement in the creation of the lot or parcel.
    - iii. Any residential structure(s) shall be served by a public or private central water system or by a permitted well.
    - iv. Any residential structure(s) shall be served by public sanitation or the applicant shall produce a "Use Permit" from the applicable public health authority that authorizes the use of the onsite wastewater treatment system.
    - v. The lots or parcels are zoned for agricultural or single family residential use.
    - vi. The exemption creates no new lots or building sites other than those created by the original deed that effected the land division.
    - vii. If it is determined by reason of the nature and scope of the exemption request, that the application reasonably should be processed as a subdivision or minor subdivision or by evidence that the applicant is improperly attempting to use this exemption process to circumvent the Subdivision Regulations, the applicant

shall not be permitted to process an exemption plat and instead be required to process an appropriate subdivision plat that complies with the applicable provisions of the Subdivision Regulations in order to cure the improper land division.

**C. ADDITIONAL EXEMPTION CRITERIA**

1. No more than four lots or parcels shall be created from a 35 acre maximum sized parcel.
2. Except for an exemption authorized under Section 5-6.9.B.2.d, the proposed parcel(s) of land shall be in compliance with the current zoning requirements.
3. The proposed exemption shall not be contrary to the adopted Arapahoe County Comprehensive Plan.

**D. PROCEDURE**

1. Prior to submitting a complete application for the Subdivision Exemption, the applicant shall meet with Arapahoe County staff to determine whether the proposal meets the exemption criteria and to be advised on submittal requirements. If it is determined that the applicant is using the exemption process to circumvent the subdivision process, the applicant shall be required to comply with the applicable subdivision process found within this Resolution.
2. Following the pre-submittal meeting described in subsection 1 above, the applicant must complete all of the requirements of the review process as prescribed by PWD. The Planning and/or Engineering Division Managers may waive any portion of the formal submittal requirements in writing.
3. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is up to 21 days and can be extended by up to 30 additional days by mutual consent of the applicant and the Planning Division Manager or designee.
4. When all outstanding referral and review issues and comments have been satisfactorily addressed, the application will be scheduled with the Board of County Commissioners.
5. The Subdivision Exemption submittal, along with the recommendations of staff, shall be presented at a public meeting on the consent or general business agenda of the Board of County Commissioners. The Board shall evaluate the Subdivision Exemption, staff recommendations, referral agency comments, public testimony and other information relevant to the plan, and shall either approve, conditionally approve, or deny the Subdivision Exemption. The Board's action shall be based on compliance with the adopted standards, regulations, policies and other guidelines.
6. If denied by the Board, the applicant may pursue subdivision in accordance with the appropriate process contained in this Land Development Code.

**E. POST APPROVAL ACTIONS**

Prior to the County's recognition of parcel(s) created through an Exemption, the approved Exemption Exhibit shall be recorded in the Office of the Arapahoe County Clerk and Recorder. The recordation of the approved Exemption and associated documentation shall occur within 90 days of approval by the Board. Within 30 days of receipt of the all required documentation described below, the staff planner shall obtain the signatures of the Board Chair, attested by the Clerk and Recorder and record the documents. Prior to recording of the Subdivision Exemption, the applicant shall submit the following items:

1. The applicant must submit all required documentation, recordation fees, a certificate of taxes paid along with the amended Exemption exhibit in accordance with the Board of County Commissioner's approval.
  2. The applicant shall provide evidence through a current title insurance policy or commitment that the signature of the owner on the final mylar is the owner of the property.
  3. When necessary to clarify ownership or to accurately transfer property, the applicant shall prepare deeds that accurately describe the land approved by the Exemption and all necessary easements. The deeds shall be recorded concurrently with the Exemption Exhibit and shall include a statement on the deed, immediately following the legal description, that states: "This deed is given to implement a Subdivision Exemption from Article 28 of Title 30 of the Colorado Revised Statutes (SB35), File (#), on (date) by the Board of County Commissioners."
  4. Within 60 days of approval of the Exemption, unless stated otherwise in such approval, the applicant shall submit a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) of the approved Exemption plat ready for recordation except for the signatures of the Board Chair or designee. An original drawing in black ink is also acceptable.
  5. Maintenance agreements as may be deemed necessary by the Board for the proposed use of common facilities and continued maintenance of roads, driveways, water sources, waste disposal facilities and their associated easements shall be recorded with the deed referencing the project number and the date of approval. The PWD shall record such documents in the Office of the Clerk and Recorder.
  6. For good cause shown, the Planning Division Manager or designee may grant a time extension to the deadlines stated in this Section 5-6.9.E for up to one year, upon a written request by the applicant. If required documents are not provided before the expiration of the time extension, the exemption approval shall lapse and the exemption case shall be closed.
  7. If the Exemption request is denied by the Board, the applicant may proceed with the subdivision request in compliance with this Land Development Code. An Exemption request for the same or substantially the same request, as determined by the Planning Division Manager, shall not be accepted within one year of such denial.
- F. ADDRESS PLAT NOT REQUIRED**  
Arapahoe County will assign addresses within subdivision exemptions if they have not been assigned already.

### 5-6.10. Rural Cluster Option

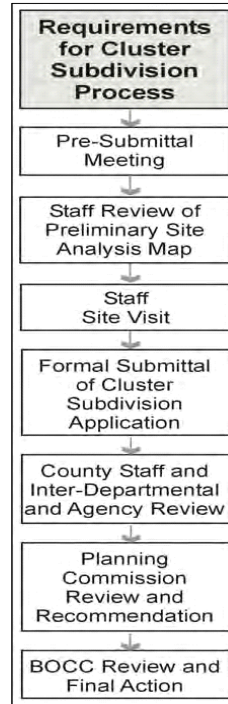
#### A. GENERAL PROCEDURES

##### 1. Intent

- a. A proposal for development under the rural cluster option shall be processed as a subdivision of land, subject to an expedited “Cluster Subdivision Process,” as described in this Section 5-6.10.
- b. County approval of a final plat for a cluster subdivision is required prior to any land disturbing activity, including clearing and grading, on the proposed cluster development site.

##### 2. Application Process

- a. Applications for a Rural Cluster Subdivision shall follow the application process outlined in Section 5-2.1.B.
- b. An applicant shall submit a final Cluster Subdivision Plat that meets the general submittal requirements for a final plat as specified in the Development Application Manual, Final Plat, and a separate “Site Analysis Map” as required in this subsection 5-6.10.A.2.c below.
- c. Review of Preliminary Site Analysis Map
  - i. After the pre-submittal meeting, but before the applicant’s formal submittal of the cluster subdivision application, the applicant shall prepare and submit a preliminary site analysis map that analyzes existing conditions both on the proposed cluster development site and on all lands within 1,500 feet of the subject site’s boundaries.
  - ii. After the applicant submits a preliminary site analysis map, and before the applicant formally submits the application, County staff shall schedule a site visit to the property and invite the applicant to participate. Before the site visit, the applicant shall provide staff with written permission to allow staff to enter the property. The purpose of this site visit is to:
    - (a) Familiarize staff with the property’s existing conditions and special features;
    - (b) Identify potential site development issues; and
    - (c) Provide an opportunity to discuss rural cluster design concepts, including the general location and layout of the conservation area, the potential locations for proposed lots and building envelopes within lots (as applicable), and the potential locations for utilities, roads, and other development features.
  - iii. Comments made by officials or staff during the site visit are not binding in any way, and shall be interpreted as suggestions only. No official decisions shall be made during the site visit.
- d. Formal Submittal of Cluster Subdivision Application  
The applicant shall submit a complete cluster subdivision application that complies with the submittal requirements specified in the Development Application Manual. The County shall not accept incomplete applications.



- i. The applicant may be required to submit additional materials, provided the Planning Division Manager informs the applicant of the additional material at either the pre-submittal meeting or within five days of the site visit, and based on the Planning Division Manager's determination that the additional material is necessary and relevant to the County's review.
  - ii. The Planning Division Manager may waive or vary certain submittal requirements in order to tailor the requirements to the information necessary to review a particular application. An applicant shall request a waiver or variation prior to submitting an application, and should discuss the request with staff at the pre-submittal meeting if possible. The Planning Division Manager may waive or vary such submittal requirements where the Manager finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed cluster subdivision support such waiver/variation.
- e. Referral to Appropriate Agencies  
As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is 30 days, and may be extended by up to 30 additional days by mutual consent of the applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

**B. NOTICE REQUIREMENTS**

1. The applicant shall provide notice of the Planning Commission hearing in accord with the requirements in Section 5-2.2 of this Code. In addition, the County shall give notice of the time and place of the hearing in at least one publication of a newspaper of local circulation in the vicinity of the proposed subdivision (e.g., in the I-70 Scout).
2. If it is decided that the application shall be considered at a hearing before the Board, the applicant shall be responsible for complying with the County's notice requirements for the hearing according to Section 5-2.2 of this Code.

**C. DECISION AND FINDINGS**

1. Following referral agency review, staff will determine the application's readiness for a public hearing with the Planning Commission. When determined ready, the cluster subdivision application, along with the available comments of the Planning and Engineering staff and appropriate agencies, shall be presented at a public hearing of the Planning Commission. Priority review shall be granted the cluster subdivision application according to Section 5-6.10.F.
2. The Planning Commission shall take action on the application by recommending approval, approval with conditions, or denial. The Planning Commission may utilize standard conditions of approval and standard motions for approval, which incorporate other requirement conditions, limitations, or restrictions. The Planning Commission's decision shall be based upon the evidence presented, the record relating to the application, and applying the standards set forth in this section. The Planning Commission may continue the hearing to allow additional/ supplemental information to be submitted and considered.
3. Final Action by Board

- a. Following the recommendation by the Planning Commission, staff shall schedule the cluster subdivision application on the Consent Agenda or the General Business Agenda of the Board of County Commissioners for final action at a public meeting. Priority review shall be granted the cluster subdivision application according to Section 5-6.10.F. Staff shall notify the applicant of the public meeting date and time.
- b. Option for Consideration at Public Hearing. The case will be scheduled for ratification by the Board of County Commissioners, unless prior to ratification, the Board member representing the district in which the cluster subdivision will be located decides that the application shall be considered at a public hearing. If the application is rescheduled for a Board of County Commissioners public hearing, the hearing shall be de novo, and the Board's action shall be based upon the record developed at the Board hearing. Staff shall notify the applicant of the County's decision to schedule the application as a public hearing, and the applicant shall be responsible for complying with the notice requirements for the hearing as specified in Section 5-2.2 of this Code.
- c. The Board shall evaluate the cluster subdivision application, staff recommendations, referral agency comments, Planning Commission recommendations, public testimony (as applicable), and other information relevant to the proposed cluster subdivision, and shall approve, approve with conditions, or deny the application. The Board's action shall be based on compliance with the adopted standards and review criteria for rural cluster subdivisions, and other applicable regulations, policies, and guidelines.

**D. RECORDATION AND LAPSE OF APPROVAL**

A Rural Cluster Subdivision is subject to the requirements of Sections 5-2.1.H through 5-2.1.J.

**E. REVIEW CRITERIA**

The Board may approve a cluster subdivision application upon findings that the proposed Cluster Subdivision Plat and Final Site Analysis Map, including any bonus densities requested, further the purpose and intent of the Rural Cluster Option, and comply with: 1) the standards in Section 4-2.7.A, Rural Cluster Option; 2) the standards of Section 4-2.6; and 3) the standards for approval of final plats stated in Section 5-6.3.B of this LDC, except where the Board expressly permits exceptions and variances to such standards.

1. The Board retains the discretion to deny a rural cluster application if it finds that the subject property uniformly exhibits such extraordinary natural and environmental value, as evidenced by the property's composite ranking on the Arapahoe County Resource Composite Map, that the Board determines the densities permitted by the Rural Cluster Option would result in unmitigated, adverse impacts on the natural environment.
2. The Board also retains the discretion to approve the proposed Rural Cluster Subdivision conditioned on the applicant agreeing to a reduced residential density if the Board finds that such condition would mitigate potential adverse impacts related to the requested density.

**F. PRIORITY REVIEW**

The County shall give complete and conforming cluster subdivision applications submitted pursuant to Section 5-6.10.A priority over other land development applications submitted pursuant to this LDC that are being reviewed by staff/referral agencies, the Planning

Commission, or the Board. At each step or phase of review, each cluster subdivision application shall be placed on the first scheduled Commission or Board agenda for which it can be properly noticed, as applicable. On each such agenda, the cluster subdivision application shall be placed for consideration before all other land development applications.

**G. AMENDMENTS TO APPROVED CLUSTER PLAT AND MAP**

1. The County shall process all minor modifications to an approved Cluster Subdivision Plat or to an approved Final Site Analysis Map according to the Administrative Amendment criteria and procedures stated in Section 5-2.3.B.
2. A modification that does not qualify as an Administrative Amendment under Section 5-2.3.B must be processed according to the cluster subdivision approval process stated in this Section 5-6.10.

**H. RECOGNIZING PROTECTION BY COLORADO “RIGHT TO FARM” ACT**

Final Cluster Subdivision Plats and deeds authorized and recorded pursuant to this Section 5-6.10 shall include a statement that agriculture uses operating on the conservation area tracts enjoy the protection of the Colorado “Right to Farm” Act (C.R.S. Section 35-3.5-101, et seq.).

**5-6.11. Street Name Change**

Table 5-1.1.1 (Summary of Review and Decision-Making Authority) identifies the required process for street name changes; proposed street name changes shall be in general conformance with the Arapahoe County Street Naming and Street Change Policy, adopted by Resolution No. 2189-85.

**5-7 MISCELLANEOUS PROCEDURES**

**5-7.1. Comprehensive Plan or Sub-area Plan Adoption or Amendment**

Refer to the 2018 Arapahoe County Comprehensive Plan, Chapter 6, for requirements for adoption of a Comprehensive Plan or Sub-area Plan or amendments to those documents.

**5-7.2. Vested Rights/Development Agreements**

**A. GENERAL APPLICABILITY**

1. In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, an applicant may seek approval of a “vested property right” either by approval of a “site specific development plan” or by approval of a “development agreement” relating to the proposed development. The following approvals shall be eligible for vesting as “site specific development plans”:
  - a. Specific Development Plans on property that has a recorded final subdivision plat, and where the approval of the SDP does not require revisions to that recorded plat; and
  - b. Specific Development Plans on property that require recording of an original or amended final subdivision plat, and for which such original or amended final subdivision plat has been recorded; and
  - c. Such other plans as the Board may designate in an agreement entered into by the County and the landowner.



2. An ASP or amended ASP approved pursuant to an SDP shall automatically be entitled to the same vested rights granted for the SDP to which the ASP relates, for the remaining period of SDP vesting at the time the ASP or amended ASP is approved.

**B. VESTED PROPERTY RIGHTS – GENERAL PROVISIONS**

1. Vested property rights, either through a site-specific development plan or a development agreement, may be sought concurrently with or subsequent to approval of a particular PUD Development Plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought.
2. Unless otherwise specified in a development agreement, the grant of vested property rights shall neither preclude nor require compensation for the application of County ordinances and regulations of general applicability, including but not limited to building, fire, plumbing, electrical and mechanical codes and drainage, flood control, water quality, roadway and other regulations and requirements.
3. The process for seeking a “vested property right” is separate from the process for seeking approval of a PUD Development Plan. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than 14 days following approval.

**C. VESTED PROPERTY RIGHTS - SITE SPECIFIC DEVELOPMENT PLAN PROCEDURE**

**1. Notice Requirements and Public Hearing**

A notice of a public hearing relating to a vested property right shall be provided by publishing notice of the public hearing in a newspaper of general circulation and providing mail notification of the public hearing to adjacent property owners in accordance with the requirements of Section 5-2.2.

**2. Vesting Period**

If approved, the vesting shall last for a period of three years. This period may be extended by the County to the extent permitted by the Vested Property Rights Act (CRS 24-68-101, et seq., as amended).

**3. Criteria**

In considering whether to approve a site specific development plan, the Board may consider whether the applicant has established that the County is able to comply with the requirements of C.R.S. §24-68-105(1) for the vested period without:

- a. Being required to pay compensation to the affected landowner, and
- b. Injury to others, and
- c. Requiring variances, exemptions or waivers of County policies, regulations or rights then in effect.

**4. Application Requirements**

- a. The applicant shall present certified engineering analyses establishing that the existing and planned infrastructure serving the plan is or will be sufficient, at the time development occurs, to meet the projected demand upon such infrastructure during the vested period.
- b. The applicant shall also comply with all other requirements of the County for establishment of vested property rights that may be imposed by resolution of the Board of County Commissioners from time to time.

**5. Specific Development Plan Determination**

- a. The creation of a vested property right based on a site specific development plan shall require a public hearing by the Board of County Commissioners. In the case of an application for vested rights based on a Specific Development Plan that does not require a plat or replat and that is being processed under the Two-Step process, the Board hereby delegates the authority to hold the public hearing to the Planning Commission.
- b. An SDP may be considered to qualify as a site specific development plan for vested property rights purposes following a determination by the Board of County Commissioners that any forecasts of future off-site land uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan to ensure that development under the site specific development plan will not result in adverse impacts to county roads or infrastructure or to surrounding properties that might require the county to modify its approval of the site specific development plan.
- c. This determination may be requested at the time of the SDP application, or may be requested after approval of the SDP in connection with an application for vested property rights.

**D. DEVELOPMENT AGREEMENT PROCEDURES**

The process for establishing a “vested property right” relating a development agreement shall involve negotiation of an agreement between the County and the developer. A development agreement may vest property rights created pursuant to previous or concurrent approvals for the following:

1. Final Subdivision Plats,
2. General Development Plans,
3. Specific Development Plans,
4. Administrative Site Plans,
5. Master Sign Plans,
6. Master Drainage Plans,
7. Master Traffic Studies,
8. Customized review and approval processes, and
9. Any other development approval or process determined by the Board to be advisable under the circumstances, together with all amendments to any such development approvals and processes.

**E. NOTICE REQUIREMENTS AND PUBLIC HEARING**

1. After a proposed development agreement has been negotiated by staff and the applicant, the Board shall conduct a public hearing at which it shall consider and take action on the proposed development agreement.
2. This process shall include posting the subject property with a notice of the public hearing, publishing a notice of the public hearing and providing mail notification to adjacent property owners in accordance with the requirements of Section 5-2.2.

**F. CRITERIA**

The County shall consider and act upon requests for vested property rights in its sole discretion. To provide guidance to applicants, and not as a limitation on the discretion of the

Board of County Commissioners, the County may consider the following in determining to grant vested property rights:

1. Whether the plan or project is sufficiently well-defined to justify vesting for the period proposed;
2. Whether there are sufficient corresponding benefits to the County and its citizens to justify granting any or all of the vested property rights requested for the development;
3. Whether any forecasts of future off-site land uses, infrastructure, traffic and drainage conditions are reliable throughout the vesting period, as those studies are required to be updated from time to time;
4. Other factors as outlined in resolutions or policies of the Board; and
5. Recommendations, if any, of citizens, County staff and referral agencies.

**G. VESTING PERIOD**

If approved, a development agreement may establish vested property rights for a period exceeding three years to the extent permitted by the Vested Property Rights Act.

**H. NOTICE OF APPROVAL OF VESTED PROPERTY RIGHT**

Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than 14 days following approval.

**5-7.3. Location and Extent**

**A. INTENT**

The regulation of the location and extent of public facilities is provided by Colorado Revised Statutes, Section 30-28-110, as amended. It is the intent of the paragraphs of this Section to conform to the provisions of the State Statute, to define the factors to be considered in the "Location and Extent" process, and to prescribe procedures for the orderly consideration of Location and Extent applications in order to effectuate the purposes of the state statute.

**B. GENERAL REQUIREMENTS AND PROCEDURE**

**1. Applicability**

- a. No road, park, public way, ground, or space, no public building or structure, and no major facility of a public utility shall be constructed or authorized in the unincorporated areas of Arapahoe County unless and until the proposed location and extent thereof has been submitted to and approved by the Arapahoe County Planning Commission.
- b. Routine extensions of public utility lines and minor modifications to existing utility lines and/or facilities shall not be subject to this procedure.

**2. Procedures**

- a. Location and Extent applications shall follow the application procedures in Section 5-2.1.B.
- b. When the application is determined to be complete, staff will set a hearing date before the Planning Commission.
- c. If the Planning Commission disapproves the proposed public facility, or approves it with conditions the applicant is not willing to accept, the applicant may appeal such decision to the Board of County Commissioners, and the Planning Commission shall communicate the reasons for such disapproval to the Board, who may overrule such disapproval by a majority vote.

3. **Public Notice**
  - a. The applicant shall be responsible for providing public notice prior to the Planning Commission hearing in compliance with the public notice requirements in Section 5-2.2 of this Code.
  - b. If a Planning Commission decision is appealed, the applicant shall be responsible for providing notice of the Board of County Commissioners hearing in compliance with the requirements in Section 5-2.2 of this Code.
4. **Decision and Findings**
  - a. The Planning Commission and the Board of County Commissioners, when applicable, may approve the facility as submitted, approve it with conditions, or deny the facility. The conditions to be imposed are those necessary, at the discretion of the Planning Commission and Board of County Commissioners, to mitigate or eliminate any adverse impacts of the proposed facility on the surrounding area, and may include the posting of sufficient performance guarantees with the County to guarantee the construction of any improvements.
  - b. Upon approval of the Location and Extent, a photographic mylar or equivalent, prepared in accordance with the standards established in the Development Application Manual, Part 5, shall be submitted to the PWD Department for the Planning Commission's signature. The mylar will be kept on file at the PWD Department Planning Division.

**C. POST APPROVAL ACTIONS**

- a. Approval of a Location and Extent request shall be and may be subject to stipulations and/or conditions precedent which the applicant is deemed to accept by preparing a reproducible mylar for signature by the Chairman of the Planning Commission or Board, as applicable, within 60 days from approval date. If no mylar is submitted, the PWD Department will recommend the Planning Commission rescind approval of the request.
- b. After the Planning Commission or Board Chair signs the final mylar, building permits may be obtained (upon proof of an approved Final Plat prior to Location and Extent approval) if applicable. Many times, the land underlying a Location and Extent is not yet platted.

**D. AMENDMENTS**

An approved Location and Extent Plan may be amended pursuant to the provisions of Section 5-2.3. The Planning Division Manager will make the determination of whether an amendment is a major amendment or can follow the administrative amendment procedures. Appeals to the Planning Division Manager's determination may be made to the Planning Commission.

**5-7.4. Areas and Activities of State Interest (1041 Permit)**

SEE AREAS AND ACTIVITIES OF STATE INTEREST REGULATIONS.

**5-7.5. Certificate of Designation**

SEE COLORADO REVISED STATUTES 30-20-101.5 THROUGH 30-20-104.

**5-7.6. Title 32 Special or Metropolitan Districts**

SEE COLORADO REVISED STATUTES 32-1-201 through 32-1-205.

### 5-7.7. Title 30 Improvement District

SEE COLORADO REVISED STATUTES 30-20-501 THROUGH 30-20-802 FOR THE FORMATION OF:

1. PUBLIC IMPROVEMENT DISTRICTS
2. LOCAL IMPROVEMENT DISTRICTS
3. PARK AND RECREATION DISTRICTS
4. CEMETERY DISTRICTS

### 5-7.8. Voided/De-Annexed/Disconnected Land

#### A. INTENT

1. To accommodate land areas in Arapahoe County that have been located within the boundaries of a municipality and have either been disconnected from said municipality by Final Court Decree pursuant to Sections 31-12-119, or 31-12-603, or 31-12-704 C.R.S. ("Disconnection Land Area") or have become unincorporated areas as the result of a Final Judgment entered declaring an annexation void pursuant to Section 31-12-117 C.R.S. ("De-annexation Land Area").
2. To establish the zoning rights of a landowner of any voided or disconnected or de-annexed land within the unincorporated area of Arapahoe County so that said landowner can continue development upon the voided, disconnected or de-annexed land area under the provisions of C.R.S. 30-28, as amended.
3. To facilitate the orderly transition of lands, currently regulated within the incorporated limits of a municipality, into unincorporated Arapahoe County for the purpose of being regulated by the laws and regulations of unincorporated Arapahoe County.

#### B. GENERAL PROVISIONS

1. The boundary of any officially recognized "Voided/De-annexed/Disconnected Land" area shall be as it appears on the Zoning Map and/or other documents approved by the Planning Commission and/or Board of County Commissioners.
2. There shall be no minimum land area required for a voiding, de-annexation or disconnection from a municipality, which parcel is attempting to establish zoning and subdivision requirements within unincorporated Arapahoe County.

#### C. SPECIFIC PROVISIONS

1. Upon receipt of a Final Court Decree and/or Final Judgment, as appropriate, or upon notice from a landowner whose parcel has had its annexation voided, and after the initial public hearing as described below, a voided, de-annexed or disconnected parcel's landowner shall apply for rezoning, subject to the regulations and procedures in these Regulations, if required.
2. The PWD Building Division shall issue no building permits and/or certificates of occupancy unless and until the voided, de-annexed or disconnected land has met the requirements of these Regulations, if required.
3. A voided, de-annexed or disconnected landowner's application for rezoning and/or subdividing shall be reviewed as to general conformance with the Arapahoe County Comprehensive Plan, as amended, if required.
4. The Board of County Commissioners may grant an exemption to the requirements outlined above, subject to the following criteria being met: the Board determines that the zoning and/or subdivision regulations and/or any other regulation governing the

parcel prior to its being voided, de-annexed or disconnected complies with the stated objectives of these Regulations, and with State Statutes. Such determination of compliance is conducted in a public hearing, as described below.

**D. PROCEDURES**

1. An applicant for a “petition for zoning hearing consideration” for a voided, de-annexed and/or disconnected parcel shall submit a letter to the PWD Planning Division requesting a hearing before the Board of County Commissioners to determine whether the zoning and/or subdivision regulations and/or any other regulations governing the parcel within the municipality comply with Section 5-7.8.C.3 and 5-7.8.C.4. Such letter shall fully describe the existing and proposed regulations affecting the parcel of land. In addition, copies of all zoning and/or subdivision regulations in effect prior to the voiding, de-annexation or disconnection of said parcel shall accompany the letter.
2. Upon receipt of the letter, a public hearing will be scheduled with the Planning Commission as soon as possible after a 20 day period, allotting the 20 days to a review of the documents by agencies deemed appropriate to the PWD Planning Division and for publishing and posting requirements. Upon receiving a recommendation from the Planning Commission, the request shall be scheduled for a Board of County Commissioners hearing.
3. At the public hearing, the Board of County Commissioners may render a decision on whether the County accepts the zoning and/or subdivision regulations and/or any other regulations governing the parcel within the municipality. If the County does not accept those regulations as being appropriate for development within unincorporated Arapahoe County, the applicant must apply for rezoning to an Arapahoe County zoning district or seek PUD approval.

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## Chapter 6: Enforcement, Violations, and Nonconformities

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### 6-1 WIRELESS COMMUNICATION FACILITY (WCF)<sup>434</sup>

#### 6-1.1. Abandonment

WCFs are considered abandoned if they are unused by all providers at the facility for a period of 180 days. A copy of the notice to the Federal Communications Commission (FCC) of intent to cease operations of a subject facility shall be promptly submitted to the County. If the lot or parcel for the facility is leased, a redacted copy of the relevant portions of a signed lease, which requires the removal of the communications facility upon cessation of operations at the site, or a notarized letter with signatures from both landlord and tenant explaining such procedures, shall be submitted at the time of application or at the time of leasing, whichever is later. The Planning Division Manager will determine if a WCF has been abandoned. The Planning Division Manager has the right to request documentation from the facility owner regarding WCF usage.

- A. Upon abandonment, the facility owner has 90 days to:
  - 1. Reuse the facility or transfer the facility to another owner who will reuse it; or
  - 2. Dismantle the facility. If the facility is not removed within 90 days of abandonment, the county may pursue enforcement subject to the provisions of this Land Development Code. If the facility is removed, County approval of the facility is null and void. The site must be restored at facility owner's expense.
- B. The County is authorized to remove or cause the removal of the abandoned WCF without any liability for trespass.
- C. All direct and indirect costs incurred by the County, including an administrative cost equal to 25 percent of all direct costs, shall be charged as a lien against such real property and the owners of the property.

#### 6-1.2. Revocation of Permit<sup>435</sup>

- A. The County's approval of a WCF may be revoked and the WCF removed at the owner's expense if:
  - 1. The owner of an Alternative Tower Structure or Tower is not willing to provide space for other carriers at a fair market rate when it would not impair the structural integrity of the tower or cause interference;<sup>436</sup>
  - 2. The WCF owner modifies the structure in a way to make collocation impractical or impossible;<sup>437</sup>
  - 3. The WCF owner fails to maintain all landscaping, equipment shelters, buildings, cabinets, and screening.<sup>438</sup>

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<sup>434</sup> Replaces "Commercial Mobile Radio Services (CMRS)." All instances of CMRS revised to WCF. Carried forward current Section 6-1, unless otherwise noted.

<sup>435</sup> Replaced references to building permits and administrative approval with general "County's approval" and added provisions B. and C. to align with the abandonment provisions above.

<sup>436</sup> Revised to use consistent terminology from 3-3.5.

<sup>437</sup> Expanded to apply to all WCFs, rather than freestanding facilities only.

<sup>438</sup> Expanded to apply to all WCFs, rather than freestanding facilities only.

- B. The County is authorized to remove or cause the removal of the WCF without any liability for trespass.
- C. All direct and indirect costs incurred by the County, including an administrative cost equal to 25 percent of all direct costs, shall be charged as a lien against such real property and the owners of the property.

## **6-2 ENFORCEMENT OF SUBDIVISION STANDARDS AND PROCEDURES**

### **6-2.1. Sale of Land Before Final Plat**

Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than 1,000 dollars nor less than 500 dollars for each parcel of or interest in subdivided land which is sold. All fines collected under this paragraph shall be credited to the general fund of the County. No person shall be prosecuted, tried, or punished under this paragraph unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of 18 months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land.

### **6-2.2. Taxes to be Paid**

No plat for subdivided land shall be approved by the Board of County Commissioners unless, at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.

### **6-2.3. Power to Enjoin From Selling**

The Board of County Commissioners of Arapahoe County shall have the power to bring an action to enjoin any subdivider from selling subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners.

### **6-2.4. Power to Enjoin from Development Activity**

The Board of County Commissioners of Arapahoe County shall have the power to bring action to enjoin any subdivider or developer from engaging in development activities or development in areas which have been identified as special pursuant to Article 65.1 of Title 24 C.R.S. as amended (H.B. 1041-1974) until a final plat, including any extraordinary required evidence or procedures for such specific areas or activities as prescribed in the Arapahoe County Land Development Code has been approved by the Board of County Commissioners.

### **6-2.5. Duty to Conform**

All departments, officials and public employees of the County of Arapahoe vested with the duty of authority to issue permits, shall conform to the conditions of these regulations. It shall be the duty of the Board of County Commissioners, the Director of PWD, District Attorney, or their duly appointed representatives to enforce the provisions of these regulations.



### 6-2.6. Permits to Construct or Improve

No permits shall be issued by the Director of PWD, nor any other administrative officer of the County, for the construction of any building, or other improvements requiring a permit, upon any land for which a plat is required by this resolution, unless and until the requirements thereof have been complied with.

## 6-3 ENFORCEMENT OF LANDSCAPING REQUIREMENTS

No certificate of occupancy for any structure located on property where landscaping is required shall be issued unless all landscaping has been satisfactorily installed. Prior to the issuance of certificate of occupancy, all landscaping shall be inspected by the County for compliance with the approved landscape plan.

- A. In cases where the property owner desires to occupy a building prior to completion of all landscaping, the County may issue a certificate of occupancy for the building. However, no outdoor storage shall be permitted until all landscaping has been completed. In order to obtain a certificate of occupancy prior to completion of all landscaping, the property owner shall enter into an agreement with the County, providing for the completion of all landscaping by the property owner within a specified period of time, not to exceed six months from the date of issuance of the certificate of occupancy. Said agreement shall also require the property owner to provide acceptable collateral to the County in form of a letter of credit, cash or certified funds guaranteeing satisfactory completion of all landscaping. If a letter of credit is used, it shall be in the same format as required for a subdivision improvement agreement. The amount of collateral shall be in an amount equal to 115 percent of the estimated cost of landscaping and shall be based on a cost estimate of labor and materials prepared by a qualified professional. Upon written request of the property owner, the Planning Division Manager may grant one extension to the term of the agreement, not to exceed six months, for good cause shown, provided that the collateral is also extended for that period of time. The form of the agreement is in the Development Application Manual.
- B. The collateral held by the County shall be released when it has been determined by the County that all landscaping has been satisfactorily completed. If the property owner has failed to install the required landscaping within the period of time specified in the landscaping agreement, the County shall use the collateral to complete the required landscaping.
- C. The property owner shall be responsible for the maintenance of all required landscaping, on private property, including but not limited to, weeding, watering, fertilizing, pruning, mowing and removal of litter. The property owner shall be responsible for the replacement of all dead, diseased or substantially damaged plant materials with the same or similar type as set forth in the approved landscape plan. Replacement shall occur within the next planting season and shall not, in any event, exceed one year.
- D. The County and Developer may enter the following Agreement to guarantee completion of landscaping requirements by providing collateral to obtain a Certificate of Occupancy prior to completion of all landscaping.

## 6-4 NONCONFORMITIES

### 6-4.1. Intent

The intent of this Section is to recognize that within zoning districts established by this Code there exist land, uses of land, structures, and uses of structures that were lawful before this Code was adopted or amended, but which would be prohibited, regulated, or restricted under the provisions of this Code. Accordingly, except as authorized by this chapter, nonconformities shall not be enlarged, expanded, increased, used as grounds for adding other structures or uses now prohibited in the same zoning district.

### 6-4.2. Types of Nonconformities Regulated

The regulations of this chapter address the following types of situations, all of which are collectively referred to as “nonconformities.”

#### A. NONCONFORMING USES

Uses that were legally established but that no longer comply with the zone district regulations of this Code that apply within the zoning district in which the use is located are referred to as “nonconforming uses.”

#### B. NONCONFORMING STRUCTURES

Buildings and structures, not including signs, that were legally established but that no longer comply with the dimensional standards that apply within the zoning district in which the building or structure is located are referred to as “nonconforming structures.”

#### C. NONCONFORMING LAND

1. A parcel of land, designated on a duly recorded plat, or by a duly recorded deed, or by other lawful means, that complied with the lot area, lot width, and other dimensional standards of the zoning district in which it was located at the time of its creation, but that does not comply with the minimum lot area, minimum width, or other dimensional requirement of the zoning district in which it is now located, is referred to as “nonconforming land.”
2. This provision shall apply even though such parcel fails to meet these Regulations’ requirements for area, width, or both, that are applicable in the given zoning district. However, all minimum yard requirements as set forth in the applicable zoning district shall apply to such parcel(s), unless a variance is obtained from the Board of Adjustment. No variance to the minimum lot area for any parcel may be obtained.

#### D. NONCONFORMING SIGNS

Signs that were legally established but that no longer comply with the sign regulations of the Land Development Code are referred to as “nonconforming signs.” See Section 6-4.6.

#### E. NONCONFORMING DEVELOPMENT STANDARDS

Reserved

### 6-4.3. General Provisions

#### A. DETERMINATION OF NONCONFORMITY STATUS

The owner, and not the County, has the burden of establishing that a nonconformity lawfully exists.

**B. NONCONFORMITIES MUST BE LEGAL**

Any use, structure, and/or parcel of land that was used, erected, or maintained in violation of any previous Zoning Regulations shall not be considered as a legal, nonconforming use, structure and/or land, and shall be required to comply with all provisions of this Code.

**C. PREVIOUS APPROVALS MAY CONTINUE**

1. Nothing in this section shall be interpreted to require a change in plans, construction, or designated use of any building, land, or structure for which a building permit or other development approval was lawfully obtained from the County prior to the effective date of adoption or amendment of this Code, provided the development, construction, or use is commenced and completed according to the applicable permit or approval terms.
2. The Planning Manager may, for good cause shown, grant an extension of up to one (1) year to complete the development, construction, or establishment of the use under the terms of the previous Land Development Code.
3. If the building or structure is not completed, or the use established, within the time allowed under the original permit or approval, or any extension granted, then the development, building, structure or use may be constructed, completed, established, or occupied only in compliance with this Land Development Code.

**D. CHANGE OF TENANCY OR OWNERSHIP**

Changes of ownership, tenancy, or management of an existing nonconformity shall be permitted, and in such cases the nonconforming situation shall continue to be subject to the standards of this chapter.

**E. REPAIRS AND MAINTENANCE**

**1. General Rule**

Repairs and normal maintenance required to keep nonconforming uses and structures in a safe condition shall be permitted, provided that no alterations shall be made except those allowed by this Chapter or required by law or ordinance. Such repairs and maintenance shall not exceed 50 percent of the current replacement cost of the nonconforming structure or a structure devoted to a nonconforming use. Substantial repairs that exceed 50 percent of the current replacement cost of a nonconforming structure or structure devoted to a nonconforming use shall not be made except in conformance with this Code.

**2. Compliance Required if Non-Repair Results in Safety Hazard**

If a nonconforming structure, or a portion of a structure devoted to a nonconforming use, becomes physically unsafe or unlawful due to a lack of repairs and maintenance and is declared by an authorized county official to be unsafe or unlawful by reason of physical condition, it shall thereafter be restored, rebuilt, or repaired only in conformity with the regulations of the zoning district in which it is located.

**F. DAMAGE OR DESTRUCTION**

Should a nonconforming structure or portions thereof be damaged or destroyed by any means, or be declared unsafe by the Department of Public Works and Development to an extent of more than 50 percent of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this Code. If the reconstruction cost and/or area of reconstruction (whichever is less) is less than or equal to 50 percent, the structure may be strengthened or restored to a safe condition provided the original nonconformity is not enlarged, increased, or extended, and construction is commenced within six months after

obtaining the required building permit(s), unless the Planning Manager grants an extension of time.

**G. NONCONFORMITIES CREATED BY PUBLIC ACTION**

When lot area, lot width, or setbacks are reduced as a result of land conveyance to a federal, state, or local government for a public purpose, and the remaining area is at least 75 percent of the required minimum standard for the zoning district in which it is located, then that lot or parcel of land shall be deemed to be in compliance with the minimum lot area, lot width and setback standards of this Code.

**6-4.4. Nonconforming Uses**

Nonconforming uses shall be subject to the following provisions:

**A. ALTERATION/EXTENSION OF NONCONFORMING USES REQUIRE SITE PLAN APPROVAL**

1. Except as expressly allowed by this chapter, alteration, extension, or enlargement of a nonconforming use shall not be allowed except with the County's approval of an Administrative Site Plan according to this Land Development Code, and subject to this chapter's regulations.
2. Extension of a nonconforming use shall require full compliance with the provisions of all Arapahoe County building and safety codes and this Land Development Code, including but not limited to, installation of site improvements, parking, street improvements, and screening/enclosure of outdoor storage. If full compliance with one or more development standards is not possible, the applicant may apply for a variance or amend the General Development Plan or Specific Development Plan according to the procedures and criteria stated in this Land Development Code.
3. "Alteration," "extension," or "enlargement" shall mean to enlarge or replace a structure containing the nonconforming use or to enlarge the area of nonconforming use to additional buildings or areas of a building or parcel except as otherwise provided in this chapter, or to change the use to any use other than a lawful use, and includes new construction remodeling that adds any additional space.

**B. RELOCATION**

A nonconforming use shall not be moved in whole or in part to any other portion of such parcel, or to another lot, unless the use will be in conformance with all applicable use-related regulations of this Code.

**1. Discontinuance and Abandonment**

If a nonconforming use is discontinued or abandoned for a period of more than six months, a subsequent use shall conform to the provisions of this Code and amendments, unless the Board of County Commissioners grants an extension of time.

**2. Accessory Uses**

No use that is accessory to a principal nonconforming use shall continue after the principal nonconforming use ceases to exist.

**C. NONCONFORMING STRUCTURES**

Nonconforming structures shall be subject to the following provisions:

**1. Enlargement**

A structure conforming as to use, but nonconforming as to height, setback, or other dimensional standard, may be altered or extended provided that the alteration or extension does not result in a new violation of this Code and does not increase the

extent of the existing nonconformity (e.g., does not further decrease a side setback that is already less than the minimum required by this Code). If full compliance with one or more development standards is not possible, the applicant may apply for a variance or amend the Preliminary Development Plan or Final Development Plan according to the procedures and criteria stated in this Land Development Code.

**2. Relocation**

Nonconforming structures shall not be moved unless the movement or relocation will bring the structure into compliance or closer to compliance with applicable dimensional standards.

**6-4.5. Nonconforming Land**

Nonconforming parcels of land shall be subject to the following provisions:

**A. LIMITED USE OF NONCONFORMING PARCELS OF LAND ALLOWED**

This Code specifies minimum lot area, width, and setback/yard requirements within each zoning district for the purpose of creating “building envelopes” in which construction can occur on any parcel in the unincorporated areas of Arapahoe County. It is the intent of this provision to allow construction of a permitted principal use and customary accessory structure(s) on any parcel that was of record before this Code was adopted or amended, unless such parcel was created in violation of State of Colorado Senate Bill 35 (Subdivisions) or this Land Development Code. This provision shall apply even though such parcel fails to meet this Code’s requirements for lot area, width, or both, that are applicable in the given zoning district. However, all minimum setback/yard requirements as set forth in the applicable zoning district shall apply to such parcel(s), unless a variance is obtained from the Board of Adjustment. No variance to the minimum lot area for any parcel may be obtained.

**6-4.6. Non-Conforming Signs**

**A. GENERAL PROVISIONS**

The Intent Section describes an intended direction for the administration of signs in Arapahoe County. In order to reach those objectives, the eventual termination of signs which do not conform to these Regulations is both reasonable and desirable.

**B. CONTINUANCE OF NONCONFORMING SIGNS**

Except as provided in Section 6-4.6.C below, any nonconforming sign may be continued in operation and maintained after the effective date of this Section; provided, however, that no such sign shall be changed in any manner that increases the nonconformance of such sign with the provisions of this Section; and provided that the burden of establishing a sign to be nonconforming under this Section rests entirely upon the person(s), firm, or corporation claiming a nonconforming status for a sign.

**C. TERMINATION OF NONCONFORMING SIGNS**

**1. Abandonment (Signs Relating to Inoperative Activities)**

Signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises within 30 days after the associated activity or occupant has vacated the premises. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to removal by action of the Arapahoe County Zoning Administrator.

**2. Violation**

Any violation of this Section and/or any pre-existing Arapahoe County sign provisions shall terminate immediately the right to maintain such sign.

**3. Destruction, Damage, or Obsolescence**

Destruction, Damage, or Obsolescence: the right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign sustains damage in excess of 50 percent of the replacement cost, or becomes obsolete, or substandard to the extent that the sign becomes a hazard.

**4. Amortization**

The right to continue the use of a legal nonconforming sign shall terminate in accordance with the following schedule:

- a. Animation, fluctuation, rotation, or flashing of any sign shall cease within 90 days of the effective date of this Section.
- b. The use or display of banners, pennants, balloons, wind-operated signs, and other portable signs shall cease within 90 days of the effective date of this Section.
- c. Other Signs: Arapahoe County recognizes a reasonable and proper amortization period of five years from the date that said sign is made non-conforming by Regulations adopted by the County.

**D. NONCONFORMING DEVELOPMENT STANDARDS**

Reserved

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## Chapter 7: Definitions

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### 7-1 RULES OF CONSTRUCTION

- A. The particular controls the general.
- B. The word "building" shall mean the word "structure."
- C. The word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used."

### 7-2 DEFINITIONS<sup>439</sup>

#### Abutting

Having a common property line or district line with an adjacent property.

#### Access Drive

A street or right-of-way providing ingress and egress to properties adjacent to a regional thoroughfare, arterial street, or major collector street.

#### Accessible

When used in connection with accommodation for disabled persons refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or safely and with dignity by a person with physical disability.

#### Accessory Dwelling Unit (ADU)<sup>440</sup>

A secondary dwelling unit that is within, adjacent to, or detached from a primary single-family dwelling unit or principal permitted use on a lot/ parcel and includes a kitchen, bathroom and sleeping facilities and has a separate entry to the secondary dwelling unit. Colorado Statutory parcels of 35-acres are also under this definition.<sup>441</sup>

#### Accessory Use or Structure

A use or structure (exceeding 120 square feet) subordinate to the principal structure or use which serves a purpose customarily incidental to the principal use.

#### Accessory Buildings

Accessory uses and structures are not permitted unless and until the principal permitted use has been established on the property.

- A. Accessory buildings greater than 120 square feet in size and/or 10 feet in height shall observe all yard and height requirements.
- B. Structures constructed for accessory uses shall not be used for dwelling purposes.

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<sup>439</sup> **STAFF:** All Use-related definitions are highlighted in yellow and footnotes indicate if the use is new or revised; all current regulations that are no longer used in Use-related regulations or otherwise in this LDC were deleted.

<sup>440</sup> New definition to consolidate Mother-In-Law Apartments, Residence Required for Caretaker or Night Watchman Employed by the Premises, and Ranch Hand/Agricultural Worker Housing. Removes the "immediate family" occupancy limitation.

<sup>441</sup> **STAFF:** We understand the intent of the last sentence regarding the 35 acre rule, but recommend it be deleted. There are many other portions of the Code that regulate actions on 35 acre parcels that are not highlighted this and not others could lead someone to suggest that perhaps some of the other regulations do not apply to 35 acre exemptions.

- C. Except for agricultural usage only, accessory structures shall not exceed 10 percent of the lot area or a maximum of 1,000 square feet, and a maximum building height of 15 feet.

**Accident Potential Zone (APZ) I**

An area beginning at the outer edge of the Buckley Air National Guard Base Clear Zone, 3,000 feet wide by 5,000 feet long, in which the potential for aircraft accidents, while being less than the accident potential on the Base environs, is considered measurable enough for the purposes of these Regulations to warrant certain land use restrictions to be placed on lands lying within this Zone.

**Accident Potential Zone (APZ) II**

An area beginning at the outer edge of the Buckley Air National Guard Base Accident Potential Zone I, 3,000 feet wide by approximately 7,000 feet long together with a triangular-shaped area at the westerly edge of the 7,000 measurement which is 5,500 feet wide at the base by 7,300 feet long, all as depicted in Figure 3-1 of the June 1998 AICUZ, in which the potential for aircraft accidents, while being less than the accident potential of APZ I, is considered measurable enough for the purposes of these Regulations to warrant certain land use restrictions to be placed on lands lying within this Zone.

**Acre, Gross**

An area in any shape containing 43,560 square feet.

**Adjacent Land**

See Adjoining Lot or Land.

**Adjoining Lot or Land**

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

**Administration**

Of or pertaining to the performance of executive or managerial functions of an organization complying with the definition of a public facility.

**Administrative Site Plan (ASP)**

A plan that meets the requirements of Sections 5-3.3, Planned Unit Development, and 5-4.1, Administrative Site Plan, as applicable. As applied to a Development Plan Approved prior to April 1, 2017 ASP also means the final step in the Master Development Plan process.

**Adult Arcade<sup>442</sup>**

An establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical area.

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<sup>442</sup> STAFF: We need to discuss these detailed definitions related to Adult uses – there is a much simpler and more current way to define these uses.



**Adult Bookstore (Also Adult Novelty Store Or Adult Video Store)**

A commercial establishment which devotes a substantial portion of its stock-in-trade or interior floor space to the promotion of or the sale or rental of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, CD-ROMS, slides or other visual, digital, or electronic representation, or novelty items, which are characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas”. For purposes of this definition, 20 percent or more of an establishment’s stock-in-trade or 250 square feet of more of an establishment’s interior floor-space are presumptively “substantial or significant.”

**Adult Cabaret**

A nightclub, bar, restaurant, “pop shop”, or similar commercial establishment which features:

- A. persons who appear nude or in a state of nudity
- B. live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or,
- C. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

**Adult Day Care Center**

See Day Care Center, Adult.

**Adult Day Care Home**

See Day Care Home, Adult.

**Adult Motel**

A motel, hotel or similar commercial establishment which: a) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertise the availability of this sexually oriented type of material by means of a sign visible from the public right-of way, or by means of any ~~off-premises~~<sup>443</sup> advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; or, b) offers a sleeping room for rent for a period of time less than 10 hours, or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

**Adult Motion Picture Theater**

A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

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<sup>443</sup> [Limitation to off-premises signs deleted in Spring 2023.](#)

**Adult Theater**

A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of “specified anatomical area” or by “specified sexual activities.”

**Agricultural Animal**

Cattle, sheep, llamas, goats, swine, mules, poultry, horses, alternative livestock as defined by Colorado Statutes (e.g. elk) and such domesticated animals as fox, mink, chinchilla, beaver and rabbits, and large birds/poultry such as emu, rhea or ostrich, except dogs and cats that are used for working purposes on the farm or ranch, and any other animal designated by the State Agricultural Commissioner, which animal is raised for food or fiber production.

**Agricultural Animal, Small, Non-Commercial**

Chickens, geese, other small poultry, bees, and/or rabbits, kept only for the private use of the residents of the property where the animals are raised and not for commercial purposes.

**Agricultural Building**

A structure on agricultural land designed, constructed and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term shall not include dwellings.

**Agricultural Products<sup>444</sup>**

Plant or animal products in a raw or unprocessed state that are derived from the science and art of agriculture, regardless of the use of the product after its sale and regardless of the entity that purchases the product.

**Agricultural or Ranch Use<sup>445</sup>**

A parcel of land used for crops, horticulture, floriculture, viticulture, forestry, dairy, raising of livestock or poultry, the display and presentation of agricultural animals, breeding of horses, and any and all forms of farm products and farm production. This use includes shelters for agricultural implements and tools used to maintain the premises, an office incidental to the operation, animal assisted therapy activities, and seasonal farming or ranching events.

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<sup>444</sup> Deleted Livestock as Livestock Products are not referenced in the LDC.

<sup>445</sup> New consolidated use and definition. Combines Agricultural or Ranch Use, Shelter for Agricultural Implements and Tools Used to Maintain Premises, Office Incidental to the Operation of the Permitted Use, Animal Assisted Therapy Activities, Farm or Ranch Animal Center, and Seasonal Farming or Ranching Events.

**Agricultural Entry Feature<sup>446</sup>**

A structure made up of vertical supports located on either side of the primary vehicle entrance driveway to a property zoned A-1 or A-E and a horizontal element joining the tops of the two vertical supports, and in which the surface of the vertical supports and horizontal element has a width of at least two feet when viewed from the public or private street from which the entry driveway departs.

**Agriculture**

The science and art of production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee and any and all forms of farm products and farm production.

**Agriculture, Non-Commercial**

The production of crops and livestock for consumption entirely on the premises.

**Agri-tainment<sup>447</sup>**

A for profit business operation, located and operated on A-E or A-1 zoned agricultural property that is specifically approved as a use-by-special review in that zone to provide educational and/or entertainment opportunities to its patrons in an agriculturally oriented environment by way of activities, events, demonstrations, displays, interactive participation, tours, lectures, and/or the sale of agriculturally related products. Characteristic uses permitted in an agri-tainment USR include but are not limited to:

- A. Animal petting zoo and farm animal centers
- B. Bed and breakfast
- C. Camps
- D. Community Event and Conference Center
- E. Country store/craft shop
- F. Cultural, special event, and religious festivals
- G. Educational activities and programs
- H. Farm tours
- I. Farmers market (year round)
- J. Farmhouse restaurant
- K. Farm-life activities and entertainment
- L. Guest ranch/farm house lodging
- M. Thematic vacations or events<sup>448</sup>
- N. Winery operations

Accessory uses may include: parking associated with an approved use, concession stands, pick your own produce, play grounds and activity fields for guests and visitors to the farm, and signage in compliance with the Signage regulations.

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<sup>446</sup> Added Fall 2023.

<sup>447</sup> Current definition. **STAFF:** We recommend revising the list of characteristic uses and deleting any of the uses that are listed as separate uses in the Permitted Use Table for clarification.

<sup>448</sup> **STAFF:** This is a very unusual use, by itself or as a form of entertainment, and we suggest it be deleted.

**Airport<sup>449</sup>**

A landing area, runway, or other facility designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

**Airport Influence Area**

An area within the unincorporated portions of Arapahoe County, proximate to an airport, which is recognized by the Board of County Commissioners as containing lands which are expected to be significantly affected by noise and/or safety hazards associated with aircraft operations associated with said airport. For purposes of these regulations, the airport influence area shall be the outside boundary of the 55 Ldn contour for that airport.

**Alley**

A minor right-of-way, dedicated to public uses, which gives a secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public utility access.

**Alter**

To change any of the supporting members of a building such as bearing walls, columns, beams or girders.

**Animal Day Care Facility<sup>450</sup>**

Any facility licensed by the State of Colorado where animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, sold or let for hire.

**Animal Hospital and Veterinary Clinic<sup>451</sup>**

Structure for the care and recuperation of ill or injured animals in which overnight boarding of animals is only permitted when incidental to medical treatment and limited to short periods of time. This use does not include a "Kennel".

**Antenna**

A metallic apparatus used for sending and/or receiving electromagnetic signals.

**Apartment Unit**

One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

**Approach Zone**

An area beginning at the outer edge of the Clear Zone defined by FAA approved Airport Layout Plans; the main purpose being to facilitate the arrival and departure of aircraft utilizing the aviation facility.

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<sup>449</sup> New definition for existing use not currently defined.

<sup>450</sup> Relocated limitations on outdoor areas and soundproofing requirement to the use-specific standards.

<sup>451</sup> Expanded definition and relocated limitations on location and other standards to use-specific standards.

**Appurtenant Retail Uses**

Retail uses located within office buildings which are intended to provide a service primarily for the occupants of said office building, and which are not allowed exterior advertising. Such uses may include a sandwich shop, barber/beauty shop, snack shop/restaurant, day care, etc.

**Architectural Treatment, 360 Degree**

See 360 DEGREE ARCHITECTURAL TREATMENT.

**Area of State Interest**

Pursuant to Article 65.1 of Title 24 C.R.S. as amended (House Bill 1041-1974), an area identified by the Board of County Commissioners as warranting State review of land use decisions.

**Art Gallery, Library, or Museum<sup>452</sup>**

A facility or area that is open to the public and is intended for the display, appraisal, purchase, sale, loan, of art books, paintings, sculpture, or other works of original art that have architectural, artistic, cultural, literary, historical, or scientific value. Accessory uses can include meeting rooms or cafes.

**Assisted Living Residence**

A residential facility that makes available to three or more persons, not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a 24-hour basis, but not to the extent that regular 24-hour medical or nursing care is required as defined under CCR 1011-1.

**Auto Service Station or Car Wash<sup>453</sup>**

A facility used for the sale to the general public of automotive fuel, including without limitation petroleum products, electricity, biofuels, natural gas, or hydrogen, and fuel related products or a commercial business using self-service, in-bay automatic or conveyor equipment for cleaning and washing motor vehicles. An auto service station may include accessory uses such as minor automobile repair, a convenience store, a single bay fully-automated vehicle wash, and/or fast-food restaurant subject to compliance with all applicable provisions of the County Land Development Code.

**Backyard Bees and Chickens<sup>454</sup>**

The non-commercial raising and caring for chickens and bees.

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<sup>452</sup> New use and definition.

<sup>453</sup> Consolidated current definitions of automobile Service Station and Car Wash.

<sup>454</sup> New definition for existing use (no current definition).

**Bar or Tavern<sup>455</sup>**

An establishment primarily devoted to the serving of alcoholic beverages by the drink and in which the service of food is only incidental to the consumption of such beverages. This use also includes

“hookah” bars in which patrons consume flavored tobacco from a stemmed instrument designed for vaporizing tobacco.

**Bed And Breakfast<sup>456</sup>**

A single-family dwelling having a mixed use as a home for the residential owner and as an accessory use for guest lodging including meals.

**Bee**

Any stage of the common domestic honey bee, *Apis mellifera* species. Does not include Africanized bees and hybrids.

**Berm**

Mound of earth used for screening, definition of space, noise attenuation and decoration in landscaping.

**Block**

A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural or vacant land or drainage channels or a combination thereof.

**Board of County Commissioners**

Board of Commissioners of Arapahoe County, Colorado.

**Boarding House**

A building or portion thereof which is used to accommodate, for compensation, three or more boarders, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" includes money, services or other things of value.

**Broadcast Tower Facility**

A facility consisting of antennae, typically for AM and FM radio and/or VHF or UHF transmissions, an equipment building, manned or unmanned, and a guyed or self-support tower(s) and related field facilities. Each facility is intended to provide coverage to a geographic area subject to the limitations of the provider FCC license. This use does not include any use listed separately in the Telecommunications and Towers Section of 3-2, Permitted Use Table.

**Building Code**

The Uniform Building Code of Arapahoe County.

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<sup>455</sup> Revised definition to address hookah establishments.

<sup>456</sup> Relocated requirement for home to be the primary and legal residence of the owner to the use-specific standards.

**Building Envelope**

An area of land within a buildable lot within which all site structures, buildings, and other hardscape elements shall be contained, except driveways. The building envelope also includes any building overhangs, eaves, protruding architectural features (e.g., bay windows, chimneys), and similar features.

**Building Front**

One exterior wall of the building typically facing a front line of a lot; or in the event that the primary entrance is located on an exterior wall which is not the front line of the lot, the building front shall be the exterior wall containing the primary entrance to the building.

**Building Line, Rear**

A line parallel to the rear property line at the first vertical wall adjacent to the minimum required rear yard setback.

**Building Line, Side**

A line parallel to the side property line at the first vertical wall adjacent to the minimum required side yard setback. This line can be perpendicular to the front and rear yard building lines

**Buffer**

A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space.

**Buffer Zone**

An area that experiences high volumes of aircraft overflights. Residential and other noise sensitive uses are considered incompatible here. Building height must comply with FAR 77 surface criteria, existing or future, whichever is more restrictive.

**Building**

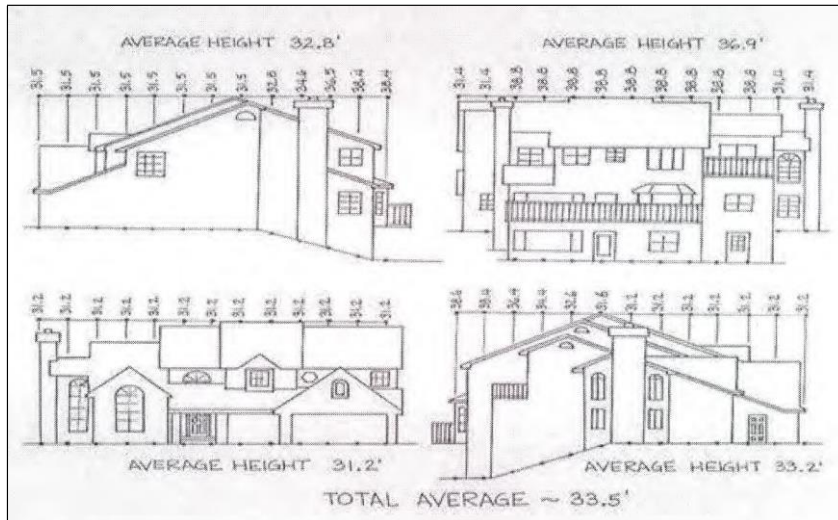
Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind (not including fences), having one or more floors and a roof, and permanently affixed to the ground.

**Building Envelope**

The portion of a lot within applicable setback requirements where building construction will be permitted.

**Building, Height of**

The vertical distance from the average finished grade immediately adjacent to the structure to the highest point of the structure, including rooftop appurtenance.



**Building Line, Front**

A line parallel to the street (front lot line) and the required front setback that is the first vertical wall of the principal building on the property.

**Building, Main**

A building in which is conducted the principal permitted use of the lot on which it is situated.

**Camps**

Day camps and overnight camping in a supervised environment licensed by the State of Colorado.

**Candela**

A unit of measure defining the intensity of a ray of light at a given angle.

**Canopy**

An accessory roof-type structure which is permanently affixed to the ground and typically not enclosed. As accessory structures these structures would be exempt from the minimum distance requirements between structures. These structures must meet all other minimum yard requirements within the zoning district.

**Catering Service**

An establishment in which the principal use is the preparation of food and/or meals on the premises, and where such food and meals are delivered or taken to another location for consumption.



**Cemetery**

Land used or dedicated for the burial of the dead, including such accessory uses as mortuaries, sales of burial plots, mausoleums, columbarium's, crematoriums and maintenance facilities.

**Central (Community) Sewer System**

A system or facility for treating, neutralizing, stabilizing, or disposing of sewage, which system or facility has a designed capacity to receive more than 2,000 gallons of sewage per day, but not including an on-site wastewater system (individual sewage disposal system). The term "central sewer system" includes appurtenances such as interceptors, collection lines, outfall and the outlet sewers, pumping stations, and related equipment.

**Central (Community) Water System**

A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, and which serves at least 15 service connections used by year-round residents of the area served by the system; or that regularly serves at least 25 year-round residents.

**Channelization**

The artificial creation, enlargement or realignment of a drainageway.

**Check Cashing Facility**

A commercial business that provides personal or business check cashing services and may include personal loans and/or payment services to individuals.

**Child Care Home, Family<sup>457</sup>**

A dwelling unit used for the purposes of providing less than twenty-four (24) hour care at any time for two or more children, with a maximum of six children, that are unrelated to each other or the provider, and are cared for in the provider's place of residence.

**Child Care Home, Large<sup>458</sup>**

A dwelling unit used for the purposes of providing care for seven to 12 children.

**Church**

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Club or Clubhouse<sup>459</sup>**

Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose to which membership is required for participation and that is not customarily carried on as a business.

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<sup>457</sup> New use and definition from CCR 7.701.2.A.1.

<sup>458</sup> Current standards for allowed ages of children relocated to the use-specific standards.

<sup>459</sup> New use and broadly applied current definition of Hunting Club.

### **Cluster Development**

A type of land use design concentrating development in one or more areas of the project and allowing for a reduction in lot size below minimum requirements when compensating amounts of open space are provided within the proposed project.

### **CMC**

CMC shall mean the Colorado Marijuana Code, C.R.S. Section 44-10-101 *et seq.*, as amended.

### **Code of Federal Regulations (CFR)**

The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government.

### **Colony**

A bee hive and its equipment and accessories, including bees, comb, honey, pollen, and brood.

### **Commercial**

For the purposes of Section 3-3.4.Q, Marijuana Land Uses, commercial shall mean for purposes of obtaining a profit or remuneration.

### **Commercial Feed Lot**

Any tract of land, structure, pen or corral where livestock are kept in close quarters for the purpose of feeding such livestock in order to fatten for sale or slaughter. This use includes commercial animal sales yards.<sup>460</sup>

### **Commercial Mineral Deposit**

A natural mineral deposit for which extraction by an extractor is or will be commercially feasible and which it can be demonstrated by geologic, mineralogical, or other scientific data that such deposit has significant economic or strategic value to the area, state or nation.

### **Commercial Office**

A room or group of rooms used for conducting the affairs of a business, profession, service industry or government, and some limited and accessory sales of products, but not including residential uses.

### **Commodity**

An article of trade or commerce, especially an agricultural or mining product that can be processed and resold.

### **Community Event and Conference Center<sup>461</sup>**

A location for family, community, public, private, corporate, or ticketed events including, but not limited to, events such as weddings, company outings, picnics, church gatherings,

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<sup>460</sup> Revised definition to include commercial animal sales yard to address current Section 3-3.1.B.2.

<sup>461</sup> Carried forward current definition of Event and Conference Center.

reunions, cultural festivals, shows, company meetings, holiday celebrations, conferences, and other similar events.

**Community Garden**

Land managed by a group of individuals for the purpose of the cultivation of fruits, vegetables, plants, flowers or herbs.

**Compatible Architectural Treatment**

The use of colors, materials and general architecture in the exterior design of structures to ensure that said structures are suitable, harmonious and in keeping with the general appearance and/or style of existing adjacent development.

**Comprehensive Plan**

The Comprehensive Plan and amendments thereto for Arapahoe County which has been officially adopted to provide development policies for current and long range development within the County and which may include, but not be limited to, the plan for land use, land subdivision, circulation, and community facilities.

**Concession Stands**

Selling products at multiple sites within the venue, erected as necessary by property owner and/or by individual venders.

**Condominium**

A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

**Confined Animal Feeding Operation (“CAFO”)**

A confined animal or poultry growing operation (facility) for meat, milk, or egg production or stabling wherein livestock are fed at the place of confinement for 45 days or longer in any 12 month period and crop or forage growth is not maintained in the area of confinement. For purposes of this LDC, “confined animal feeding operations” includes animal feeding operations consistent with this definition and all related animal waste treatment or collection facilities that are regulated by the Colorado Department of Public Health and Environment pursuant to the Confined Animal Feeding Operations Control Regulations, 5 CCR 1002-81, as amended, or any superseding regulations.

**Construction, Start of**

See START OF CONSTRUCTION.

**Contiguous**

Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

**Conservancy Lot**

A large, privately owned lot constituting part of a conservation area in a rural cluster development. The purpose of the conservancy lot is to provide surrounding residents with visual access to open space land while keeping the land under private ownership and maintenance. Only a limited portion of any such lot shall be developed; the remainder shall

be protected through conservation easements or other types of deed restrictions, and may be used only in conformance with this Code's standards for conservation areas. Public access to conservancy lots is not required.

#### **Conservation Area**

The land set aside in a rural cluster subdivision and permanently preserved, through a conservation easement or other County-approved mechanism, for conservation, agricultural, or other low-impact uses as allowed by this Code. The conservation area is typically contained in delineated tracts, as shown on the approved Cluster Subdivision Plat, but may also be contained within conservancy lots, as defined herein.

#### **Conservation Easement**

A recorded deed restriction under which a property owner retains title to real property but gives up some or all of the development rights associated with it, the terms and restrictions of which are specified in a conservation easement document for the property. For a conservation easement to be recognized under federal law, the easement document must transfer the rights to enforce property restrictions to a qualified conservation organization or government agency.

#### **Construction, New**

See New Construction.

#### **Contractor Shop or Yard<sup>462</sup>**

A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor including plumbing, heating, and electrical. This definition also includes contractor's office.

#### **Control**

A fully automatic device, which can turn on, off, or dim lights at predetermined times. A control includes, without limitation, an astronomical time clock, photocell, motion detector and dimmer.

#### **Convenience Commercial**

A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.

#### **Country Store And Craft Shops**

Facilities that provide an opportunity for visitors to purchase merchandise and agriculturally related products or items.

#### **Crematorium**

A location containing properly installed, certified apparatus intended for the act of cremation of remains.

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<sup>462</sup> New definition for existing use not currently defined.

**Damage, Substantial**

See Substantial Damage.

**Day Care Center, Adult**

A non-residential, protective facility specializing in providing activities and socialization for the elderly and/or disabled adults. Care is generally provided during daytime hours, but less than a 24-hour consecutive period, with a variety of planned program activities.

**Daycare Center, Child**

A facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for mentally retarded children and those facilities which give 24-hour care for dependent and neglected children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

**Day Care Home, Adult**

A dwelling unit used for the purposes of providing care for, and specializing in the special needs of, elderly and/or disabled adults who are not related to the owner of the dwelling/resident manager of the day care home, for compensation.

**De-annexed Land**

A land area which had been located within a municipality pursuant to a void annexation ordinance as determined by Final Judgment pursuant to Section 31-12-117, C.R.S., as amended.

**Deed Restriction**

Clauses in a deed limiting the future uses or enjoyment of a property. Deed restrictions may impose a vast variety of limitations and conditions; for example, they may limit the density of buildings and dictate the types of structures that can be built.

**Density**

The average number of families, persons or dwelling units per unit of land. In these Regulations, density is normally expressed as the number of dwelling units per gross acre.

**Development, New**

See New Development And Redevelopment.

**Disconnected Land**

A land area which was located within the boundaries of a municipality and has been disconnected from said municipality by Final Court Decree pursuant to Section 31-12-119, or 31-12-603, or 31-12-704, C.R.S., as amended, or by any other legal theory.

### **Dish-Shaped Antennas**

Considered accessory structures in all zoning districts, used for the reception of television, microwave and/or cable TV, shall meet accessory structure setback and maximum height requirements within each zoning district.

### **Display Surface**

The display surface is the area made available by the sign structure for the purpose of displaying the advertising message.

### **Disposition**

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing

### **District Zoning**

A portion of the County within which the use of land and structure(s) and the location, height and bulk of structure(s) are governed, i.e., the A-1 classification is a district as is the R-1-A classification.

### **Drainageway**

A natural or artificial channel, swale, arroyo, gully, gulch, ditch, trench, creek, stream, river, slough, wetland, pond, reservoir, or lake that either conveys or receives seasonal or stormwater runoff.

### **Drive-Through Facility<sup>463</sup>**

An site design or site feature that, by design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. This use includes but is not limited to drive-by pickup facilities for parcels, goods, food, or beverages.

### **Drought Tolerant Landscape**

A reduced water-usage landscape achieved through the use of good planning and design, limited turf area, soil improvements, efficient irrigation, mulching, low- water-use plants, and appropriate turf materials.

### **Dumpsters/Trash Containers**

See TRASH CONTAINERS/DUMPSTERS.

### **Dumpster Enclosure**

See TRASH ENCLOSURE.

### **Dwelling, Live/Work<sup>464</sup>**

A dwelling unit containing an integrated living and working space in different areas of the unit.

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<sup>463</sup> Last sentence is new.

<sup>464</sup> New use and definition.

**Dwelling, Multifamily**

A structure on an individual lot containing three or more dwelling units separated by interior walls and/or floors/ceilings with separate or joint interior or exterior access, and that does not meet the definition of a single-family attached dwelling or a townhome dwelling. Examples include triplex, four-plex, and apartment and condominium complexes.

**Dwelling, Single-Family Detached**

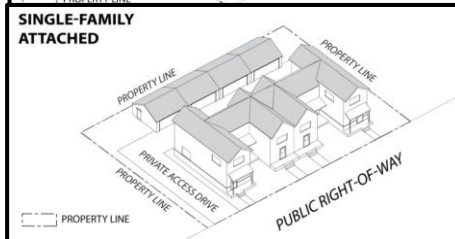
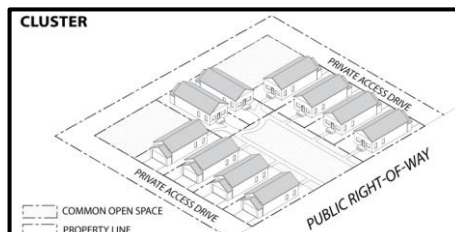
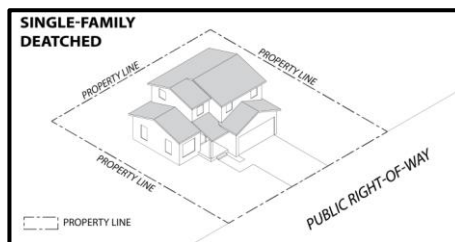
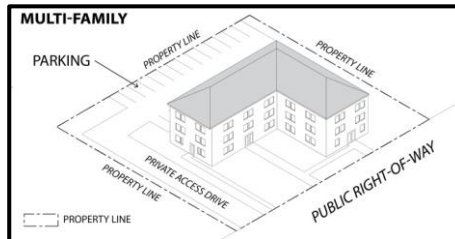
A dwelling unit located on an individual lot and not attached to any other dwelling unit (other than a mother-in-law apartment, if permitted).

**Dwelling, Single-Family Detached Cluster Development**

A group of single-family dwelling units organized in a specific area on a larger parcel of land to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas, and in which the minimum sizes or dimensions of individual residential lots are permitted to be smaller than otherwise allowed in the zone district where the development is located.

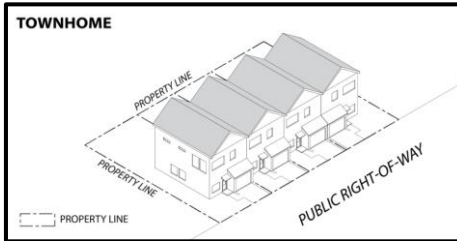
**Dwelling, Single-Family Attached**

Three or more dwelling units located on a single lot in a single structure designed so that (a) individual units have individual ground-floor access and (b) all floors designed for human occupancy are separated from each other by unpierced vertical common or party walls.



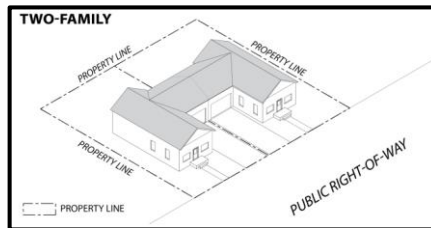
**Dwelling, Townhome**

An individual dwelling unit that (a) is located on an individual lot, (b) is part of a single structure containing at least three dwelling units, and (c) in which all floors designed for human occupancy are separated from each other by unpierced vertical common or party walls. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.



**Dwelling, Two-Family**

A structure located on a single lot, or on two lots with the lot line coinciding with the common or party wall, containing two dwelling units with separate access that share a common unpierced wall or floor/ceiling, each of which is designed for or occupied by a single family.



**Dwelling Unit**

Any building or portion thereof designed for human occupancy which contains kitchen, dining, living, sleeping and bath accommodations necessary for service to a single family.

For the purposes of Section 3-3.4.Q, Marijuana Land Uses, dwelling unit shall mean any house, apartment unit, condominium unit or other similar secure structure or unit thereof that is primarily used as a residence.

**Dwelling Unit, Efficiency**

A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

**Easement**

The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

**Educational Activities and Programs**

Agricultural and/or culturally related topics discussed, observed, and/or experienced by way of classes, demonstrations, exhibits, lectures, and/or hands-on involvement, organized and conducted for the purposes of teaching participants about agricultural or farm related subjects such as: soil conservation and crop rotation, harvesting, crop varieties and cultivation techniques, historical landmarks, agricultural technology advancements, gardening, crafts, antique farm equipment and vehicle shows, etc.



#### **Effected Land**

The area of land from which any amount of overburden has been removed, or upon which any amount of overburden has been deposited, or both. This term also includes the disturbed surface of an area where a mining operation is being or will be conducted, including but not limited to: on-site private ways, roads and railroad lines; land excavations; development drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage or waste discharge areas; areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated.

#### **Eligible Facilities Request**

The definition of an Eligible Facilities Request, as that term is used in regulation of Wireless Communication Facilities (WCF) is in Section 3-3.5.G.

#### **Evidence**

Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

#### **Expansive Soils (shrink/swell soils)**

Soil conditions exhibiting a high potential for changes in volume due to varying amounts of moisture and clay content which could severely damage building foundations, roads and other.

#### **Experienced Child Care Provider<sup>465</sup>**

A licensed child care home where care is approved for no more than nine children of different age combinations depending upon which option the home is operating.

#### **Explosive and Highly Flammable or Hazardous Materials**

Materials or liquids which, when ignited, exhibit large scale, rapid and spectacular expansion, outbreak or other upheaval. Hazardous materials are as defined by State Statute.

#### **Facade/Fascia**

Any face of a building given special architectural treatment, i.e., a false, superficial or artificial appearance or effect.

#### **Family**

An individual or two or more persons related by blood, marriage or adoption residing under one head of household, or a group of not more than five persons, who need not be related, living as a single housekeeping unit. The definition of "Family" specifically excludes any group home licensed by the State for the use of four to eight persons, but includes the foster care of up to four children not related to the caretaker for 24-hour care

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<sup>465</sup> New definition to align with CCR 2509-8.

**F.A.R. Part 77**

Federal Aviation Administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and as may be amended from time to time. Part 77 Regulations may also affect lands located outside the boundaries of a defined Airport Influence Area.

**Farm**

An area that is used for the production of farm crops, such as vegetables, cotton or grain and their storage, as well as raising thereon of farm animals, such as poultry or swine, on a limited basis. Farms also include dairy produce. Farming does not include the commercial raising of animals, commercial pen feeding (feed lots), or the commercial feeding of garbage or offal to swine or other animals.

**Farmers' Market<sup>466</sup>**

A publicly or privately operated establishment where multiple farmers and often other vendors sell primarily agricultural products such as flowers, herbs and uncut, unprocessed fruits and vegetables directly to consumers.

**Farmhouse Restaurant**

A family dining venue designed with a "farmhouse kitchen" style or rural-oriented character, equipped with a full kitchen and operating on scheduled hours.

**Farm-Life Activities and Entertainment**

Displays, contests, and constructions involving the agricultural products of a farm such as corn mazes, hay tunnels, cooking contests, pumpkin patch, organics, etc. Activities showcased by festivals, contests, events and admissions including, but not limited to, hay rides, community square dances, tractor and horse pulls, sleigh rides etc.

**Farming and Gardening Classes**

Instruction given by a skilled individual or staff pertaining to the act of, or a specific aspect of farming or gardening and/or a specific aspect of farming.

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<sup>466</sup> New consolidated use and definition. Combined definitions for Outdoor and Year-Round Farmer's Markets.

### Fast Food Restaurant

A restaurant operation located either within a retail center or situated on its own freestanding "pad," which primarily 1) serves food that is prepared and/or packaged within five minutes and can be intended for consumption away from the premises, 2) contains a drive-in or drive-through facility, 3) is intended to primarily serve the passerby and/or motoring public. This term does not include a restaurant offering curbside delivery as a secondary and clearly subordinate use.

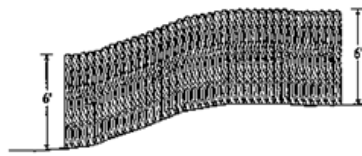
### Fee Simple Ownership

The complete ownership interest in real property, free and clear of any condition, limitation, or restriction on its alienation; the ownership of the entire "bundle" of rights attached to real property.

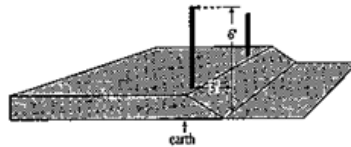
### Fence Height

- A. Height means the distance of the vertical fence surface measured from finished grade to the top of the vertical surface. When measuring the height of a fence measure from the lowest point within three feet on either side of the fence.
- B. Pillars or posts between vertical fence surfaces may exceed the maximum permitted fence height by 10 percent.
- C. When a fence is erected on top of a retaining wall, the height of the fence shall be measured from the top of the retaining wall.
- D. The accompanying illustrations pertain to measurement or determination of fence height.

**Fences should follow the natural contours of the ground.**



**Measure from the ground level at the lowest grade level within three feet of either side of the fence.**



### Fill

A deposit of materials of any kind placed by artificial means.

### Final Acceptance

The acknowledgment by the County that the guaranty period has expired and there are no outstanding items to be corrected under the provisions of the guaranty.

### Final Development Plan (FDP)

The Final Development Plan was the second step in establishing approval of land uses and siting restrictions for a Planned Unit Development before April 1, 2017, which provided specific information on the uses to be permitted and the manner in which they may be situated on the property. The comparable step in the revised Planned Unit Development regulations is called a Specific Development Plan.

### Flag Lot

A polygonal-shaped lot, with the appearance of a flag and flagpole, that does not front or abut a public roadway and where the narrow "flagpole" part of the lot is used to provide access to the public roadway. Typically, the widest part of a flag lot is located at the rear of

another lot or parcel, and the flagpole part of the lot is comprised entirely of a private right-of-way or driveway.

**Flex Office/Warehouse**

An office and warehouse building on a parcel of land that can adjust the amount of the office and warehouse space ratio in direct proportion to the amount of available on-site parking, but at a ratio not more than 51 percent office and 49 percent warehouse, based on the parking spaces required for each allowed use.

**Flood Protection-Related Definitions**

**Addition**

As used in Section 4-3, Floodplain Management, means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

**Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the “one-percent chance flood,” “100-year flood,” or “one-hundred-year flood.” These terms do not imply that the flood will necessarily happen once every 100 years.

**Base Flood Elevation (BFE)**

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH , AR, AR/A, AR/AE, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Basement**

As used in Section 4-3, Floodplain Management, means any area of a building having its floor subgrade (below ground level) on all sides.

**Conditional Letter of Map Revision (CLOMR)**

FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a drainageway or other flooding source and thus result in the modification of the existing FEMA regulatory floodplain, floodway, the effective Base Flood Elevations (BFEs), and/or the Special Flood Hazard Area (SFHA). The letter does not revise an effective Flood Insurance Rate Map (FIRM); it indicates whether the resulting floodplain from the project, if built as proposed would result in a FIRM change.

**Critical Facility or Critical Facilities**

A structure or related infrastructure, but not the land on which it is situated, as further defined and specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado effective January 14, 2011, adopted by the Department of Natural Resources, Colorado Water Conservation Board, and adopted herein by reference, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the County at any time before, during and after the flood. See Section 4-3, Floodplain Management.

### **Development**

When used in Section 4-3, Floodplain Management, means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials located within the floodplain.

### **Digital Flood Insurance Rate Map (DFIRM)**

A digital version of the Flood Insurance Rate Map (FIRM). The DFIRM is also the regulatory floodplain map for FEMA for insurance and floodplain management purposes, same as the FIRM.

### **Existing Manufactured Home Park or Subdivision**

When used in Section 4-3, Floodplain Management, means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Floodplain Management and Flood Damage Prevention Regulations.

### **Expansion to Existing Manufactured Home Park or Subdivision**

When used in Section 4-3, Floodplain Management, means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

### **FEMA**

The Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program (NFIP), or successor agency.

### **Five-Hundred Year (500-Year) Flood**

A flood having a recurrence interval that has a 0.2- percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years.

### **Five-Hundred Year (500-Year) Floodplain**

The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

### **Floatable Materials**

Any material that is not secured in place or completely enclosed in a structure, so that it could float off site during the occurrence of a flood and potentially cause harm to downstream property owners, or that could cause blockage of the channel or drainageway, a culvert, bridge or other drainage facility. This includes, without limitation, lumber, vehicles, boats, equipment, trash dumpsters, tires, drums or other containers, pieces of metal, plastic or any other item or material likely to float.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters from drainageways or reservoir spillways and/or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Control Structure**

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular drainageway.

**Flood Fringe**

That portion of the 100 year floodplain between the floodway boundary and the limits of the base floodplain. Sheet flow areas with flood depths of less than one foot are not considered part of the flood fringe. Sheet flow areas with flood depths between one and three feet, inclusive, are part of the flood fringe.

**Flood Hazard Area Delineation (FHAD)**

A Flood Hazard Area Delineation Study prepared by the Urban Drainage and Flood Control District (UDFCD) in cooperation with local governments and adopted by each, UDFCD and the CWC. Once completed, these studies are incorporated into the FEMA FIRM through the LOMC or PMR process and become the effective flood hazard information for the National Flood Insurance Program.

**Flood Insurance Rate Map (FIRM)**

The official map on which the Federal Emergency Management Agency has delineated the special flood hazard areas.

**Flood Insurance Study**

The official report provided by the Federal Emergency Management Agency that includes flood profiles and water-surface-elevations of the base flood.

**Flooding**

See Flood or Flooding.

**Floodplain**

As used in Section 4-3, Floodplain Management, the land area that will be inundated or flooded based on the stormwater runoff produced by the 100-year flood as defined by FEMA, FHADs, or drainageways with tributary areas that are 130 acres or greater.

**Floodplain Administrator**

The County official designated by title, including his or her designee, to administer and enforce the Floodplain Management Regulations.

**Floodplain Development Permit**

The permit required before construction or development begins within any floodplain area as defined by the County (see Floodplain). Floodplain Development Permits are required to ensure that all proposed development projects meet the requirements of the NFIP and the County's Floodplain Management Regulations.

### **Floodplain Management**

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

### **Floodplain Management Regulations**

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention.

### **Floodproofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

### **Floodway**

The channel of a river or other drainageway and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water-surface-elevation more than one-half foot.

### **Freeboard**

The vertical distance in feet above the base flood elevation to which development must be elevated, as set forth in the applicable requirements of Section 4-3, Floodplain Management.

### **Functionally Dependent Use**

When used in Section 4-3, Floodplain Management, means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water (e.g. docking facility).

### **Highest Adjacent Grade (HAG)**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

### **Historic Structure**

When used in Section 4-3, Floodplain Management, means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in states without approved programs.

**Letter of Map Amendment (LOMA)**

A letter from FEMA officially amending the effective National Flood Insurance Rate Map, which establishes that a property is not located in a FEMA SFHA.

**Letter of Map Change (LOMC)**

All letters of SFHA changes from FEMA including LOMR, LOMR-F, LOMAs and Physical Map Revisions (PMR).

**Letter of Map Revision (LOMR)**

A letter from FEMA officially revising the effective Flood Insurance Rate Map to show changes in zones, delineation and water surface elevation of floodplains and floodways.

**Letter of Map Revision Based On Fill (LOMR-F)**

A letter from FEMA stating that a structure or parcel of land that has been elevated by fill outside the existing regulatory floodway would not be inundated by the base flood.

**Levee**

A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

**Lowest Floor**

The lowest floor of the lowest enclosed area of a structure (including any basement or crawl space). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a structure's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 4-3, Floodplain Management. The lowest floor elevation is the determinate for the flood insurance premium for a building, home, or business.

**Manufactured Home Park or Subdivision**

When used in Section 4-3, Floodplain Management, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale; or a parcel of land that is divided into two or more lots for long-term lease or sale, with infrastructure designed for the installation of manufactured homes.

**National Flood Hazard Layer (NFHL)**

The most updated digital version of the Flood Insurance Rate Map (FIRM). If displayed in accordance with FEMA's requirements, the NFHL is also the regulatory floodplain map for FEMA for insurance and floodplain management purposes, the same as the FIRM and DFIRM.



#### **New Construction**

Structures for which the "start of construction" commenced on or after the effective date of the Floodplain Management Regulations in Section 4-3, Floodplain Management, and includes any subsequent improvements to such structures.

#### **New Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Section 4-3, Floodplain Management.

#### **No-Rise**

A calculated rise in flood depth of 0.00 feet as rounded to the nearest hundredth of a foot.

#### **No-Rise Certification**

A record of the results from an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. Also known as No Impact to the Floodplain Certification.

#### **Physical Map Revision (PMR)**

A FEMA action where one or more FIRM map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

#### **Shallow Flooding Areas (AO or AH Zones).**

Areas designated Zone AO or Zone AH on the Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

#### **Special Flood Hazard Area (SFHA)**

The land in the floodplain subject to one percent or greater chance of flooding in any given year, i.e. the 100-year floodplain. It is the land area covered by the floodwaters of the base flood on the Flood Insurance Rate Maps. The SFHA is the area where the National Flood Insurance Program's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, AE, A99, AR, AR/AE, AR/AO, AR/AH, and AR/A.

#### **Storage Capacity, Floodplain**

The volume of space above an area of floodplain that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving. Storage capacity tends to reduce downstream flood peaks.

**Structure**

When used in Section 4-3, Floodplain Management, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**Violation**

When used in conjunction with the Floodplain Management Regulations, the failure of a structure or other development to be fully compliant with Section 4-3, Floodplain Management.

**Water Surface Elevation (WSE)**

Means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Floor Area, Gross**

All areas located within the outside walls of a building, exclusive of basement area, garage space and porches.

**Floor Area Ratio (F.A.R.)**

The ratio of building gross square footage to the gross square footage of a parcel. For example, 43,560 square feet of building on one acre of land (43,560 sq. ft.) would equal a 1:1 floor area ratio.

**Flyway**

A six (6) foot solid fence, wall, or thick hedge that directs the path of the bee up and out of the property.

**Footcandle or F.C.**

A unit of illuminance equivalent to one lumen per square foot.

**Fuel Dispenser**

A mechanical device used to convey or pump automotive fuel or other petroleum products from a storage tank, regardless of whether said storage tank is above or below grade, into a vehicle or other appropriate container.

**Full Cutoff Luminaire**

A light fixture that has a light distribution pattern that results in no light being permitted at or above a horizontal plane located at the bottom of the luminaire.

**Fully Shielded Luminaire**

A light fixture that provides internal or external shields and louvers that prevents light emitted by the light fixture from causing glare or light trespass.

**Garage, Private**

An accessory building or a part of a main building used for storage of the private vehicles or boats of the family(ies) occupying the dwelling unit(s) to which the garage is accessory.

**Garage, Public**

Any garage other than a private garage available to the public for the storage of vehicles and boats when such vehicles are parked or stored for remuneration, hire or sale.

**Gardening**

The raising of produce for personal consumption, and not for resale as a commodity.

**General Development Plan (GDP)**

The document required to be submitted and approved in order to complete the first step of the Three-Step Planned Unit Development process in Section 5-3.3, Planned Unit Development. This document provides general information regarding the type, scale and layout of proposed land uses, open spaces, and circulation systems.

**Geologic Hazard**

A geologic phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health, safety or property. This term includes, but is not limited to, landslide, rock fall, seismic effect, mud flow, ground subsidence, shrink/swell soils and unstable or potentially unstable slopes.

**Geologic Hazard Area**

An area which contains or is directly affected by geologic hazard.

**Glare**

The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.

**Grade**

The average elevation of the area immediately adjacent to the sign, excluding berming.

**Gross Land Area**

The land area proposed to be subdivided, including land to be dedicated for streets and other public purposes.

**Group Home, FHAA<sup>467</sup>**

Subject to licensing requirements of the state if applicable, a Group Home, FHAA is a dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons.

- A. "A Group Home, FHAA Large" is a facility designed for and occupied by nine or more residents living together.

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<sup>467</sup> New definition to replace Type A Group Homes

- B. "A Group Home, FHAA Small" is a facility designed for and occupied by no more than eight residents living together.

**Group Residential Facility<sup>468</sup>**

A residence other than a group home that provides a community living environment for no more than eight persons requiring custodial care, medical treatment, or specialized social services. This definition includes addiction recovery residences and domestic violence shelters.

**Guest Ranch<sup>469</sup>**

Any building or buildings for dwelling purposes where the primary purpose is to rent such unit for limited periods of time in connection with recreation or vacation facilities related to agricultural uses of land conducted on the premises. Such units shall not be rented or leased for permanent occupancy.

**Guest Ranch/Farm House Lodging<sup>470</sup>**

Overnight accommodations, separate from the landowner's residence, provided for guests wishing to have a "life on the farm" experience. These accommodations are usually offered with one or more designated meals, similar in size and format to a bed and breakfast operation.

**Handicap**

Physical or mental impairment which substantially limits one or more of a person's major life activities, and as further defined by the U.S. Department of Housing and Urban Development (24 CFR Ch 1 § 100.201 (4-1-91 Edition)), in response to the Fair Housing Act Amendments of 1988.

**Helipad<sup>471</sup>**

An area of land or structural surface created for and used for the landing and takeoff of helicopters or similar vertical lift aircraft, including but not limited to facilities for medical and law-enforcement helicopters.

**Home Occupation, Other<sup>472</sup>**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and that does not adversely or perceptively affect the character of the lot or surrounding area. This use does not include Adult or Child Day Care Homes (Adult Day Care Home, Family Child Care Home, Large Child Care Home, and Experienced Child Care Provider).

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<sup>468</sup> New use and definition to replace Type B Group Homes.

<sup>469</sup> Requirement that recreational activity be related to agricultural uses of land was added.

<sup>470</sup> STAFF: Is this a different use from Guest Ranch above? Does it need to be added to the Permitted Use Table or consolidated with a different use in the Table?

<sup>471</sup> New definition for existing use not currently defined.

<sup>472</sup> New definition distinguishing all forms of Daycare Homes from other Home Occupation types.

**Hospital**

A facility which makes available one or more of the following: medical, surgical, psychiatric, chiropractic, maternity and/or nursing services.

**Hotel /Motel<sup>473</sup>**

A structure, or portion of a structure, or a group of attached or detached structures containing completely furnished individual guest rooms or suites occupied on a transient basis for compensation.

**IESNA**

Illuminating Engineering Society of North America.

**Industry, Artisan<sup>474</sup>**

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes but is not limited to small-scale fabrication, manufacturing, assembly, and other industrial uses and processes such as welding and sculpting.

**Industry, Heavy<sup>475</sup>**

A place of business for the assembly, fabrication, repair or processing of goods that ordinarily have greater than minimal impacts on the environment, or that ordinarily create smoke, fumes, noise, odor, vibration, or dust that may be detrimental to the health, safety, or general welfare of the community, or that ordinarily require rail transport or delivery or shipping of goods or materials in trucks weighing over 20,000 gross vehicle weight or operating between the hours of 12:00 midnight and 6:00 am. This use may include materials manufacturing, treatment and assembly, heavy equipment repair and fabrication, and explosion welding, cladding, or metallurgical bonding of metal or other similar uses. This use shall include no more than 25 percent administrative or non-industrial space.

**Industry, Light<sup>476</sup>**

A place of business for the assembly, fabrication, repair or processing of goods that only minimal impact on the environment and that does not otherwise meet the definition of Industrial, Heavy, including but not limited to high technology development, including but not limited to any of the following: laboratories (basic and applied research, manufacturing, experimental, testing) manufacturing, fabrication, processing or assembling of products, indoor storage, accessory office, bakery, dry cleaning or laundry, and minor auto repair excluding outdoor storage. This use shall include no more than 25 percent administrative or non-industrial space.

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<sup>473</sup> Deleted Motel as separate use and carried forward definition.

<sup>474</sup> New use and definition.

<sup>475</sup> New consolidated use and definition. Includes content from current Heavy Manufacturing definition. Reference to rail and heavy truck deliveries and shipping added.

<sup>476</sup> Deleted Wholesale Greenhouses or Nursery, Quasi-Public Use and "wholesale sale or indoor storage of any commodity listed herein." Text on impacts is new.

**Initial Acceptance**

As used in connection with the construction of improvements to land, streets, drainage, or other forms of infrastructure, acknowledgment by the County, that to the best of the County's knowledge, all work has been completed in accordance with the construction plans and specifications.

**Injection Well, Commercial**

A well that injects waste fluids that are generated during the drilling of and production from oil and gas wells or during primary field operations and that are exempt from regulation as hazardous wastes under Subtitle C of the federal "Resource Conservation and Recovery Act of 1976", 42 U.S.C. sec. 6901 to 6934, as amended, such as produced water associated with oil and natural gas production into the earth. This definition is limited to Class II wells as defined by the Environmental Protection Agency.

**Inoperable Vehicle**

Any vehicle lacking a current valid registration that is displayed on the vehicle or trailer and/or whose operation is not currently possible due to the disassembly of vehicle parts preventing vehicle operation. Inoperable vehicles shall not be permitted on residential properties and/or on the public right-of-way immediately adjacent to said residential property.

**Institutional Housing**

Includes persons under formally authorized, supervised care or custody in institutions at the time of enumeration. Such persons are classified as "patients" or "inmates" of an institution regardless of the availability of nursing or medical care, the length of stay, or the number of persons in the institution. Generally, institutionalized persons are restricted to the institutional buildings and grounds (or must have passes or escorts to leave) and thus have limited interaction with the surrounding community. Also, they are under the care of trained staff having responsibility for their safety and supervision.

**Junk Yard**<sup>477</sup>

A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, shredding, crushing, or demolition of operable or inoperable vehicles, machinery or other materials is conducted.

**Kennel**

Any premises where any combination of dogs, cats or other household pets, totaling four or more animals, six months of age or older, are kept, boarded or bred for the intention of profit.

**Laboratory**

A building or a portion of a building devoted to basic applied research and the experimental study or science of the testing and analysis of chemicals, drugs, minerals, bacteriological,

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<sup>477</sup> New consolidated use and definition. Combined Junk yard and Automobile Wrecking/Salvage.

biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists. No fabrication is conducted on the premises except the custom fabrication of dentures, dental implants, and optical lenses.

#### **Lamp**

The component of the light fixture that produces the actual light. A lamp includes, without limitation, the bulbs and tubes that produce the actual light.

#### **Land Disturbance**

The term “land disturbance”, as used in Chapter 12-200 Grading, Erosion and Sediment Control Regulations, means the permanent or temporary purposeful alteration of existing ground contour by means of excavation, grading, filling, drilling, or removal of ground cover vegetation.

#### **Land Improvements**

Physical changes made to land and/or structures placed on or under the land surface in order to change the natural or preexisting conditions of the land in preparation for the construction of improvements related to the use of land for a specific purpose. Typical land improvements would include grading, street pavement, curbs and gutters, sidewalks, drainage facilities, storm and sanitary sewers, and utility facilities.

#### **Landing Strip for Private Aircraft<sup>478</sup>**

A runway or landing area without general aviation airport functions maintained for the private use of the owner of the property on which it is located. This use may include an aircraft-related recreational facility, including structures and/or takeoff and landing areas designed and intended to provide flight training, ground school, sales, maintenance and/or repair for such uses as hot air balloons, ultralight aircraft, hang gliders, and similar uses as determined by the Zoning Administrator.

#### **Large Wind Energy Conversion System**

Any mechanism, including blades, rotors, or other moving surfaces, designed for the purpose of converting wind energy into mechanical or electrical power with a maximum capacity greater than 100 kilowatts, and including towers, tower bases, guy wires and any other structures necessary for the installation of energy conversion system equipment are also included.

#### **Ldn**

An A- weighted, day/night 24-hour average sound level, in decibels, obtained after the addition of 10 decibels to sound levels occurring during the night time period from 10 p.m. to seven a.m., which can be used to assess the amount of exposure to aircraft noise which can be expected at certain locations approximate to an airport. The Ldn rating is computed

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<sup>478</sup> Consolidated Landing Strip for Private Aircraft and Aircraft-Related Recreational Facility. **STAFF:** Should Aircraft-Related Recreational Facility be separately defined and/or listed as a use because it is a more intensive use with more structures than a landing strip?

pursuant to FAA standards and procedures and arranged in contours on maps maintained for each airport by the Arapahoe County Mapping Division.

- A. 65 Ldn NOISE ZONE. Refers to property located within the outside boundary of the 65 Ldn noise contour in effect at the time of submittal of an application for land use or subdivision approval.
- B. 60 Ldn NOISE ZONE. Refers to property located between the boundary of the 65 Ldn noise contour and the 60 Ldn noise contour.
- C. 55 Ldn NOISE ZONE. Refers to property located between the boundary of the 60 Ldn noise contour and the boundary of the 55 Ldn noise contour.

**LED**

Light-emitting diode. LED lamp emits an almost monochromatic light of a particular color depending on the material used.

**Legal Building Site**

A lot that can be developed with the provisions of these Regulations and within other rules and regulations adopted by the County.

**Light Bulb Strings and Exposed Tubing**

External displays, other than temporary decorative holiday lighting, which consist of light bulbs, festoons, or strings, and neon or gaseous light tubing, whether open or enclosed within transparent or translucent cabinets, are prohibited.

**Light Fixture**

The complete lighting unit consisting of some or all of the following: the lamp, ballast, housing, and the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply.

**Light Industrial Park Development**

A light industrial park is a planned-unit development consisting of non-residential, non-retail commercial uses designed to accommodate a mix of similar and compatible light industrial uses and associated services. Light industrial park development shall consist of high quality architectural and landscaping standards, be designed in a campus setting, and have minimal aesthetic or environmental impacts on surrounding adjacent properties. The development may also contain buildings that have non-light industrial uses when deemed necessary and appropriate by the Board of County Commissioners, (such as office/showroom, hotel/motel and conference facilities, health clubs, restaurants or other similar uses) when such uses satisfy the standards of these Regulations. All buildings contained within a Light Industrial Park shall be integrated into the overall development scheme through architecture, site layout, and other development standards.

**Light Pollution**

Any electric light that is emitted into the atmosphere, either directly or indirectly by reflection against any exterior surface, including, without limitation, the ground, buildings, cars, glass, or windshields, that alters the appearance of the night sky, interferes with astronomical observation, or interferes with the natural functioning of nocturnal native wildlife.



**Light Trespass**

Light falling where it is not wanted or needed and includes light projected onto a property from a light source not located on that property.

**Livestock**

Cattle, sheep, goats, swine, mules, poultry, horses, alternative livestock as defined by Colorado statutes (e.g., elk), and such domesticated animals as fox, mink, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit.

**Lot**

A designated parcel of land established by a recorded subdivision plat, subdivision exemption plat, recorded deed or court order, which is recognized as a separate legal entity for purposes of transfer of title.

**Lot Area**

The total square footage or acreage contained within lot lines of any single lot of record.

**Lot, Corner**

A site bounded by two or more adjacent street lines which have an angle of intersection of not more than 135 degrees.

**Lot Coverage**

That portion of the lot area covered by a building(s), including all overhanging roofs and parking areas (note definition of unobstructed open space).

**Lot, Double Frontage.**

A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**Lot, Interior**

A lot other than a corner lot.

**Lot Line**

A property line bounding a lot, excluding any dedicated street or alley.

**Lot Line, Front**

The line separating a lot from a street or road upon which the principal building faces.

**Lot Line, Rear**

The lot line opposite and most distant from the front line, except for corner lots. The rear lot line may be any lot line not fronting on a street. Triangular lots shall maintain a rear yard of not less than 25 feet from the point of intersection of the side lot lines.

**Lot Line, Side**

Any lot line which is neither front nor rear.

**Lot Width**

The distance between side lot lines measured along the front setback line.

**Lowest Adjacent Grade (LAG)**

The lowest elevation of the natural ground surface touching a structure (including attached garages or decks).

### **Lumens**

The amount of overall light output or quantity of light.

### **Luminance**

Relates to the quantity of light reflected or emitted toward an observer. Luminance is what an observer sees, whether it is the light reflected from a wall or the light coming directly from a luminaire.

### **Maintained Illuminance**

The light level that occurs immediately before lamp burnout. This light level is approximately 50-60 percent of the initial illuminance.

### **Major Private Electrical, Natural Gas, and Petroleum-Derivative Facility<sup>479</sup>**

Transmission lines, power plants, and transmission substations owned by a private company; refinery, transmission pipelines, transmission pump stations, compressor and processing stations, and storage areas of private companies providing natural gas or other petroleum derivatives; and processing of biofuels. This definition does not include any use meeting the definition of a Major Public Utility.

### **Major Public Utility Facility<sup>480</sup>**

A facility or structure owned or operated by a public utility regulated by the Colorado Public Utility Commission for the generation, transmission, distribution, processing, and disposal of its products. This may include but is not limited to, power plants, transmission lines over 110 KV, transmission substations, natural gas transmission pipelines, natural gas transmission pump stations, and Large Wind Energy Conversion Systems.

### **Manufactured Home**

- A. When used in Section 4-3, Floodplain Management, means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For purposes of Section 4-3, Floodplain Management, the term "manufactured home" includes "recreational vehicles", such as park trailers, travel trailers, and other similar vehicles, placed on a site for greater than 180 consecutive days.
- B. For all other purposes, a single-family dwelling which is partially or entirely manufactured in a factory; is not less 24 feet in width and 36 feet in length, is installed on an engineered foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq., as amended. The term "manufactured home" does not include a "recreational vehicle."

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<sup>479</sup> Definition revised to clarify distinction from Major Public Utility Facility.

<sup>480</sup> Revised to include Large Wind Energy Conversion systems, which are currently listed in Agri-tainment. **STAFF:** Please confirm this change. Facilities of this size are generally operated by public utilities, and energy generation is almost never considered agri-tainment.

**Marijuana**<sup>481</sup>

All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana shall not mean industrial hemp. Marijuana includes marijuana as defined in Article XVIII, Section 16 of the Colorado Constitution, Article XVIII, Section 14 of the Colorado Constitution, and the CMC.

**Marijuana Club**

The use of any building, structure or other premises, whether such use is the primary use or an ancillary use, for purposes of allowing persons to consume marijuana or marijuana products, wherein such use is open to the public, or wherein the persons consuming marijuana or marijuana products directly or indirectly pay a fee or charge to compensate in any way for the ability to consume or use marijuana or marijuana products on the premises, including, but not limited to, paying a fee or charge to belong to a club or organization that has or provides access to the premises (examples of a “fee or charge” include, but are not limited to: a membership fee, an entrance fee, a cover charge, a rental fee, a food or beverage charge, etc.), and shall include, but not be limited to, a “marijuana hospitality business” and a “retail marijuana hospitality and sales business” as defined in the CMC; except that the definition of a marijuana club shall not include the rental of a dwelling unit wherein marijuana or marijuana products are being used by the legal occupants of such premises, or their invitees where such invitees are not paying a fee, or other charge or remuneration.

**Marijuana, Commercial Use**<sup>482</sup>

All parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

**Marijuana, Non-Commercial Use**<sup>483</sup>

The non-commercial growing, cultivation, storage or production of marijuana or marijuana products, by a person, patient or his or her primary caregiver, to the extent that such activity is specifically authorized as a lawful personal use pursuant to Article XVIII, Section 16 of the Colorado Constitution, or is specifically exempt from criminal prosecution under Article XVIII, Section 14 of the Colorado Constitution, is in compliance with all applicable state and local statutes, rules and regulations and with all applicable building and fire codes.

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<sup>481</sup> **STAFF**: Would you like to address industrial hemp as a separately defined land use? The City of Aurora’s recently adopted Code includes limited allowances for industrial hemp processing, manufacturing, and storage.

<sup>482</sup> New definition for a use not currently defined.

<sup>483</sup> New definition for existing use (taken from current Section 3-3.5.C.2.).

#### **Marijuana Products**

Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption other than by smoking, such as, but not limited to, edible products, ointments, and tinctures.

#### **Marquee**

A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

#### **Master Development Plan (MDP)**

The Master Development Plan (“MDP”) is an alternative Planned Unit Development process available for all or any part of an office park development and other eligible developments that was available before April 1, 2017. The process was intended for developments that are able to contain within the development the impacts of final site design and architecture, due to the size of the development, perimeter screening and landscaping features, topography, or well-defined architectural and site design standards. The MDP set forth one or more proposed development scenarios for the project. It established development parameters that were more refined and more precise than those set forth in Preliminary Development Plans, thereby enabling an expedited staff-level review of final site plans as established in the MDP.

#### **Mausoleum**

A building or structure that is part of a cemetery and contains above-ground tombs.

#### **Maximum Initial Horizontal Illuminance**

The maximum initial lighting levels in foot-candles as measured for exterior areas at grade level anywhere within the property including areas under canopies, balconies or other non-enclosed or partially enclosed areas.

#### **Maximum Initial Illumination Level**

The maximum lighting level on a property that is produced by a lamp at 100 hours of operation.

#### **Maximum Initial Lamp Lumen Rating**

The maximum rated light output per lamp. If a light fixture has multiple lamps, this rating refers to the combined total lumens of all lamps within the light fixture.

#### **Maximum Initial Line-Of-Sight Illuminance.**

The maximum initial lighting levels at eye level, on the property line, and looking towards the brightest and closest light fixture.

#### **Median**

An area in the appropriate center of a County street or state highway which is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by curb and gutter, having painted or thermally applied stripes or other means of distinguishing it from the portion of the roadway utilized for through traffic.

### **Medical Marijuana**

Marijuana that is grown, sold or otherwise used for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution as defined in the CMC.

### **Medical Marijuana Store**

A person or entity licensed by a state agency to sell medical marijuana and medical marijuana products to patients or primary caregivers, but is not a primary caregiver as defined by Article XVIII, Section 14 of the Colorado Constitution or the CMC, and includes, but is not limited to, a “medical marijuana store” as defined.

### **Microbrewery, Distillery, or Winery<sup>484</sup>**

A facility for the production and packaging of beer, liquor, or wine for distribution, retail or wholesale, on or off premises. The development may include other such uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zone district.

### **Microwave Dish**

A receiver for ultrahigh frequency electromagnetic waves.

### **Mineral**

An inanimate constituent of the earth including, but not limited to, coal, oil and natural gas, oil shale, sand, gravel, quarry, aggregate, limestone, in either solid, liquid or gaseous state, which when extracted from the earth is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural or industrial purposes.

### **Mineral Resource Area**

An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining. The term also includes an area of oil, gas or geothermal resource development if such area has been identified by the State Oil and Gas Conservation Commission or the Colorado Geological Survey for designation.

### **Mineral Resources and Geologic Hazard Areas**

Any area or activity which has been identified in the County Comprehensive Plan as being of special interest because it involves development activities or development areas, or both, which might create a condition incongruent with the planned and orderly use of land and/or the protection of the environment and natural resources in a manner consistent with the constitutional rights or protection of the public health, safety and well-being.

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<sup>484</sup> New.

**Mini-Warehouse/Self Storage**

A structure or group of structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

**Mining and Extraction<sup>485</sup>**

The process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust. This term also includes open cut mining, open pit mining, strip mining, quarrying, dredging, and the preliminary treatment of such ore or building stone.

**Minor Development**

A subdivision of land that does not involve any of the following:

- C. The creating of more than four lots;
- D. The extension of municipal facilities; and
- E. The creation of any new streets.

**Minor Modification to an Approved Location and Extent Plan**

For the purposes of Section 5-7.3, Location and Extent, a modification to an approved Location and Extent Plan shall be considered minor if there are no land use changes proposed and if the changes to approved development standards comply with the limitations and specifications of the Administrative Amendment Regulations found in these Regulations.

**Minor Public Utility Facility<sup>486</sup>**

Equipment necessary to support utility services to development within the immediate vicinity and that involves only minor accessory structures, including but not limited to above- and below-ground electrical transmission lines, except for overhead electrical transmission lines and distribution feeder lines that collect and transmit over 110 KV of power; poles; cables; switch boxes; transformer boxes; below-ground natural gas lines; below-ground water and sewer lines, and similar facilities of public public utilities regulated by the Colorado Public Utility Commission.

**Mobile Home**

Any structure transportable on its own wheels, on flatbed or other trailers, or on detachable wheels, (excluding recreational vehicles, camping trailers, pickup bed campers, motorhomes, and vehicles licensed for on road use) which is designed and generally and commonly used for occupancy by persons for residential purposes in either temporary or permanent locations.

**Mobile Home Park or Subdivision<sup>487</sup>**

Any lot or part thereof, or any parcel of land which is used or offered as a location for one or more mobile homes used for any purpose.

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<sup>485</sup> Wording revised to include open cut, open pit, and strip variations of this use, as well as quarrying and dredging.

<sup>486</sup> New definition for existing use not currently defined.

<sup>487</sup> **STAFF:** If we decide not to include this use in the Use Table, we will delete this definition.

**Motorsports Facility<sup>488</sup>**

A facility with supporting and accessory structures designed and operated primarily for amateur motorsports uses. Motorsports uses include but are not limited to driving motor vehicles, motorcycles or bicycles on defined tracks for practice, education, recreation or amateur competition; storage, maintenance, adjustment or repair of vehicles to be used on racetracks; and similar uses as determined by the Zoning Administrator. Competition is considered amateur if drivers are not remunerated based on performance, but this shall not preclude the occasional offering of reimbursement money which does not exceed total competitor entry fees for events.

**National Cooperative Soil Survey**

The soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

**New Development and Redevelopment**

When used in Section 5-4.2, Grading, Erosion and Sediment Control Permit, new development and redevelopment shall refer to all projects which are required to submit site construction plans to the County, for review and approval excluding building permit plans, in accordance with the County's Land Development Code requirements.

**Nightclub**

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which the service of food is only incidental to the consumption of such beverages. Dancing and entertainment, including but not limited to musicians and comedians, are permitted. This definition does not include Sexually-Oriented Businesses.

**Noise Contour**

The line linking together a series of points of equal cumulative noise exposure. Noise contours are developed based upon actual and projected data, including aircraft flight patterns, the number of daily aircraft operations by type of aircraft, noise characteristics of each aircraft, and typical runway usage patterns.

**Noise Sensitive Uses**

The following uses are considered by the County to be noise sensitive uses:

- A. Residential uses intended for permanent occupancy by owners or renters, but not including transient lodging or institutional uses such as hospitals and detention facilities.
- B. Type B Group homes. Educational uses, including schools, public and private, and non-aviation related training centers, churches, auditoriums, concert halls, day care uses.

**Non-commercial**

For the purposes of Section 3-3.4.Q, Marijuana Land Uses, non-commercial shall mean not for the purpose of obtaining a profit or remuneration.

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<sup>488</sup> Deleted Amateur from title.

**Nonconforming Structure**

A structure legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform to the regulations of the zoning district in which it is located.

**Nonconforming Use**

A use legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform to the use regulations of the zoning district in which it is located.

**Nonstructural Development**

Any use of property that does not involve a structure. Nonstructural development may include, but is not limited to, the construction or installation of or use of a property for parking lots, utilities, detention ponds, fences, trails, pathways, outdoor storage, cultivation of vegetation, or placement of fill.

**Nursery or Greenhouse<sup>489</sup>**

An establishment for the growth, display, and/or wholesale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

**Nursery School**

An establishment providing specialized curriculum and group care on a planned, regular basis for more than four children, unrelated by blood or adoption, for less than 24-hours. A nursery school shall maintain a minimum six foot high solid fence, wall, or chain link fence which encloses outdoor play areas.

Nudity or State of Nudity  
a) The appearance of human bare buttock, anus, pubic region, male or female genitals, or the areola or nipple of the female breast: or b) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

**Nude Model Studio**

Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons. The term "Nude Model Studio" does not apply to:

- A. A college, junior college, or university supported entirely or partly by taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university that are supported entirely or partly by taxation; or
- B. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, and where, in order to

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<sup>489</sup> New consolidated use and definition. Consolidated Flower Farms, Greenhouses, Wholesale or Retail, and Greenhouses, Non-Commercial, Exceeding Accessory Structure Limits.



participate in a class, a student must enroll at least three days in advance of the class, and where no more than one nude model is on the premises at any one time.

**Nursing Home**<sup>490</sup>

An establishment, other than a hospital, licensed by the State, which operates and maintains continuous day and night facilities providing room and board, personal service and skilled nursing care to three or more persons not related to the operator.

**Office Park Development**

An office park development is a zone category consisting of an integrated commercial development existing or planned for Professional Office uses and uses that are accessory or appurtenant to Professional Office uses, in a campus setting with mostly internal access points and high-quality architectural and landscaping standards. All buildings shall be integrated into the overall development scheme through architecture, site layout and other development standards.

**Office**<sup>491</sup>

A facility in which business, professional, administrative and/or clerical activities are conducted, including but not limited to medical or dental clinics, insurance agencies, banks, financial institutions, architects, lawyers, engineers, real estate offices, government offices, motor vehicle licensing branches, post offices, radio/TV stations, research centers, social services, testing laboratories, and research and development facilities. Accessory uses may include cafeterias, health facilities, game or activity areas, parking, or other amenities primarily for the use of employees in the firm or building.

**Off-Street Parking**

A site or portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

**Oil and Gas Facility or Facilities**

Includes Oil And Gas wellsites, flowlines, tank batteries, compressor stations, pits/ponds, below-grade tanks, dehydration units, vapor recovery units (VRUs), and associated roads. Pipelines and gathering systems, other than flowlines, as well as salt water disposal wells and injection wells are excluded. Locations with more than one of the above mentioned types of equipment will be considered to be one facility.

**Onsite Wastewater System (“OWS”)**

An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or disposing of sewage that is not part of or connected to a central (community) sewer system. Includes, by way of example only, septic tanks and absorption areas.

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<sup>490</sup> Consolidated current definitions of Health Establishment and Nursing Home.

<sup>491</sup> New consolidated use and definition. Consolidates Office – General, Executive, Professional, and Business Offices, Medical and Dental Clinics, Laboratories, and Research and Development W/ Indoor and Outdoor Use.

**Open Space/Unobstructed**

An area intended to provide light and air and is any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use. Open space may include active recreation with limited pervious surfaces, such as swimming pools, play equipment for youngsters, ball fields, court games and picnic tables. Passive open space may include areas not occupied by any structures and limited pervious surfaces such as parks, and landscape tracts (except parking lot islands). Credit will be considered for courtyards and plazas based upon the Planning Division Manager’s review. Open space shall not include driveways, parking lots, parking islands, drive aisles or other surfaces designed or intended for vehicular travel.

**Operator**

Any person, firm or corporation engaged in or controlling a mining operation.

**Other Outdoor Entertainment and Assembly Event<sup>492</sup>**

A temporary use on public or private property that is not excluded from regulation by this LDC and is not listed as a separate use by this LDC. This use includes but is not limited to sporting and athletic events, fundraising activities, educational, historic, religious, and patriotic displays or exhibits, outdoor concerts, revivals, street fairs, outdoor arts and crafts fairs, and other organized community events.

**Outdoor Stadium or Assembly Venue<sup>493</sup>**

A permanent facility for the staging of amateur and/or professional sporting events, consisting of an open-air or arena or performance space, tiered seating for spectators, and associated support facilities.

**Outdoor Circus, Fair or Carnival<sup>494</sup>**

A traveling or transportable group or aggregation of rides, shows, games and/or concessions.

**Outdoor Storage**

A principal or accessory use of land for the storage of any material outside of the principal permitted structure on any parcel, where the stored material is either wholly or partially visible from public rights of way or adjacent properties.

**Outdoor Sales<sup>495</sup>**

The display and sale of products and services primarily outside of a building or structure, including firewood, garden supplies, gas, tires and motor oil, food and beverages, building and landscaping materials, and lumber yards. This use does not include “Vehicle Sales or Rental, Light” or “Vehicle Sales or Rental, Heavy.”

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<sup>492</sup> New consolidated use and definition. Combined Art, Cultural, Educational, or Other Similar Exhibits and Displays, Outdoor Entertainment and Outdoor Assembly Events, and Outdoor Sporting or Athletic Events.

<sup>493</sup> New.

<sup>494</sup> New definition for existing use not currently defined.

<sup>495</sup> New consolidated use and definition. consolidates and expands the definition of Building/Landscape Material Sales Yard and Firewood, Storage and Sales.

**Overburden**

All of the earth and other materials which lie above natural mineral deposits and which are disturbed from their natural state in the process of mining.

**Overnight Campground**

An area specifically designed to accommodate the parking or placement of truck campers, camping trailers and tents used for human occupancy on a transient basis. No truck camper, camping trailer or tent shall be maintained continuously on an overnight campground for more than 30 days during a calendar year.

**Parcel**

An area of land which is not uniquely defined on a subdivision plat, but which is described by any of the following methods:

- A. An aliquot part of a section;
- B. A metes-and-bounds description;
- C. A book and page or reception number reference;
- D. Any so-called "assessor's tract;" or
- E. Defined by means other than a plat.

**Parapet Wall**

A low wall or protective railing along the edge of a roof, balcony or terrace.

**Parks and Open Space<sup>496</sup>**

Any public or private land available for active or passive recreational, educational, cultural or scenic purposes of a size, location and configuration useable as a park and approved by the PWD Department. This use includes designed play areas and/or fields to be used for active and passive recreation for all ages including amenities such as swings, slides, sand boxes, water "spray grounds", volleyball sand courts, hard court play surfaces for toy tractors and basketball, open fields appropriate for model airplane or kite flying, nature areas, picnic areas, and trails and paths open to the general public.

**Parking Lot<sup>497</sup>**

A parking lot for public parking for a fee, not including accessory parking provided or required to be provided for an allowed primary or accessory use under this Code.

**Parking Structure<sup>498</sup>**

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building, including parking garages and deck parking, but not including parking spaces located underground or within the outer walls of a primary structure containing an allowed non-parking primary use.

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<sup>496</sup> New consolidated use and definition. Combined Public Park, Nature Areas, Picnic Areas and Trails, Play Courts/Playground Equipment and Trails and Paths Open to the General Public.

<sup>497</sup> Deleted references to parking garages, see Parking Structure, below.

<sup>498</sup> New separate use and definition.

### **Patient**

For the purposes of Section 3-3.4.Q, Marijuana Land Uses, patient has the meaning set forth in Colorado Constitution Article XVIII, Section 14(1)(d).

### **Person**

An individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity. For the purposes of Section 3-3.4.Q, Marijuana Land Uses, person shall mean a natural person 21 years or age or older.

### **Personal and Business Services<sup>499</sup>**

An establishment primarily engaged in providing services involving the care of a person or of the care or repair of personal goods or apparel. Personal services includes but is not limited to laundry, including cleaning and pressing service, beauty shops, barbershops, shoe repair, personal copying/shipping services, health spas, photographic studios, tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small appliance repair, and similar uses.

### **Pets**

Dogs and cats over the age of six months, pot bellied pigs, and reptiles or other small animals of a type typically purchased at local pet stores, which are customarily kept in the home or on the premises for the sole pleasure and enjoyment of the occupants and not raised for commercial purposes. The definition of pets does not include chickens, geese, ducks, turkeys or other poultry or domesticated fowl. Pets that are caged indoors or kept in a terrarium or aquarium or confined in a pond will not be counted in the allowed quantity of pets within a zone district. Keeping of wild or exotic animals as defined by the State of Colorado Division of Wildlife is PROHIBITED. Keeping of any poisonous animal is PROHIBITED. Keeping of any constrictor snake or any reptile with a length greater than three feet, measured from the tip of the nose to the tip of the tail, is PROHIBITED.

### **Pharmacy**

A place where medicines are compounded or dispensed and other medical accessory merchandise is displayed or sold.

### **Pick Your Own Produce**

A commercial activity wherein the general public is invited onto an agricultural property such as a farm to pick produce grown on the farm, such as apples, strawberries, pumpkins, flowers, etc. The activity may vary with the season and public interest.

### **Planned Unit Development (PUD)**

An area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, education, recreational, or industrial uses, or any combination of the foregoing, the plan for

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<sup>499</sup> Expands current definition For Service Retail.

which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

**Planning Commission**

The Arapahoe County Planning Commission, Arapahoe County, Colorado.

**Plants**

For the purposes of Section 3-3.4.Q, Marijuana Land Uses, plants shall mean marijuana plants, seedlings or any part thereof in a living condition that are lawfully grown or otherwise used for a purpose authorized by Article XVIII, Section 16 of the Colorado Constitution, Article XVIII, Section 14 of the Colorado Constitution, or the CMC.

**Plat**

A map or plan of property, recorded with the Arapahoe County Clerk and Recorder.

**Plat Application**

The application form and all accompanying documents required by these Regulations for review of a subdivision plat.

**Plat, Final**

A map and supporting materials of certain described land prepared in accordance with the county's requirements as an instrument for recording of real estate interests with the County Clerk and Recorder.

**Plat, Preliminary**

The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the County's requirements to permit the evaluation of the proposal prior to detailed engineering and design.

**Post-Curfew Light Levels**

Lighting that is operated after 10:00 p.m. or within one hour after the close of business, whichever is later, until one hour prior to the commencement of business.

**Post-Curfew Maximum Initial Horizontal Illuminance Level**

The lighting levels after 10:00 p.m. or one hour after the close of business, whichever is later.

**Pre-Curfew Light Levels**

Lighting that is operated from one hour prior to commencement of business to 10:00 p.m. or within one hour after the close of the facility, whichever is later.

**Preliminary Development Plan (PDP)**

The Preliminary Development Plan ("PDP") was the first step in establishing land uses and siting restrictions for a parcel of land in a Planned Unit Development approved before April 1, 2017. The uses and siting restrictions permitted by the PDP established the general requirements with which the development had to comply. The uses, minimums and maximums established in the PDP were reviewed at the Final Development Plan stage to further determine appropriateness for the particular site and neighborhood. The

comparable step in the revised Planned Unit Development regulations is called a General Development Plan.

**Primary Caregiver**

Primary caregiver has the meaning set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution.

**Principal Permitted Use**

The primary use to be established on a parcel of land provided said use conforms to the provisions of the governing zone district, is architecturally consistent and compatible with surrounding development and complies with any and all applicable County, state or federal rules, regulations and requirements pertaining to the specific use.

**Private Improvement**

Any improvement required by these Regulations or as a part of the conditional approval of a subdivision which is provided by the developer and not maintained by the County or a quasi-public entity.

**Private Room**

A room in a motel, hotel or other similar establishment that has a bed and a bath in the room or an adjacent room, and is used primarily for lodging.

**Property Line Adjustment**

The relocation of a property line which does not create additional lots, nonconforming lots or structures, changes of use, effects an easement and does not result in any non-buildable lots.

**Public Facility**

Any activity that is primarily funded by, and/or has the capability to levy taxes, and is of significant benefit to the public and the surrounding area, not conducted for profit, and provides a commodity or service that could not be provided within a reasonable distance of the surrounding area. Examples include public airports and related facilities, public hospitals and other emergency medical facilities, public meeting halls, public recreation facilities, schools and major facilities of a public utility.

**Public Improvement**

Any improvement required by these Regulations for which the County or a quasi-public agency, conditionally agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the County, or a quasi-public agency, is already responsible. Such facilities include but are not limited to streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television, and other utility facilities.

**Public Utility**

Every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone,

telegraph, communications, gas, gas pipeline carrier, water, sewerage, pipeline, street transportation, sleeping car, express, or private car line facilities and services.

**Public Works and Development Department**

Herein referred to as PWD.

**Qualified Conservation Organization**

A non-profit organization, as defined under Section 501.C-3 of the Internal Revenue Code, and usually a conservation organization or land trust, designated to enforce the recorded deed restrictions on the use of property, as typically defined through a conservation easement.

**Qualified Professional**

A professional acceptable to the County, and who is either licensed by the State of Colorado to perform the type of work involved, or who is accredited by or registered with a professional group and who is operating within the scope of his/her accreditation or registration.

**Quasi-Public Agency**

An institution constituted with a governing board and obtaining more than 51 percent of its funds from tax revenue.

**Quasi-Public Use**

Charitable, educational, cultural and/or religious organizations or use which, as a primary function of their operation, provide significant benefits to the health, safety and welfare of the citizens of Arapahoe County, as may be determined by the Board of County Commissioners. Examples of such uses are religious organizations, private meeting halls and private schools.

**Reclamation**

The rehabilitation of affected land by means of replanting, soil stabilization, water resource restoration and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

**Reconstruction**

To rebuild a structure without increasing its footprint, when the structure has been:

- A. Partially or completely destroyed by any cause (i.e., fire, wind, flood), or
- B. Partially or completely torn down.

Reconstruction that also meets the definition of redevelopment shall be regulated as redevelopment.

**Recorded Mineral Rights**

Those mineral rights which have been officially recorded or registered with the Colorado Secretary of State or the Clerk and Recorder of Arapahoe County.

**Recreation, Indoor<sup>500</sup>**

An establishment providing recreational activities, completely enclosed by a structure, such as exercise facilities, bowling alley, gymnasium, roller skating, ice skating, billiards, pool, theatre, swimming pool or related amusement. This does not include Sexually Oriented Businesses.

**Recreation, Outdoor<sup>501</sup>**

Commercial entertainment or recreation facilities such as golf courses, amusement parks, athletic fields, miniature golf, go-cart and skateboard park, swimming pool, tennis, handball, basketball courts, batting cages, drive-in theaters, and other similar uses. This use does not include Outdoor Shooting Ranges.

**Recreation, Private/Commercial**

Uses, structures and/or land utilized for the provision of recreational activities and/or open space which may be developed, operated and/or maintained for profit by an entity other than a public entity, such as a swimming pool, tennis court/club, recreation center, etc.

**Recreation, Public**

Uses, structures and/or land utilized for the provision of recreational activities and/or open space which may be developed, operated and/or maintained by a public entity.

**Recreational Vehicle**

A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recycling Collection Facility<sup>502</sup>**

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or container.

**Redevelopment**

Comprises any of the following:

- A. The complete demolition of a principal building, followed by the construction of a new building which occupies a different footprint than the original principal building; or
- B. The destruction of a principal building to an extent that is equal to or greater than 50 percent of its assessed value, followed by reconstruction and repurposing of the building for a type of use for which the original building was not designed; or

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<sup>500</sup> New consolidated use and definition. Consolidated Health Club and Recreation – Indoor.

<sup>501</sup> New consolidated use and definition. Consolidated Amusement Park, Ballfields, Drive-In Theater, Go-Cart and Skateboard Tracks, and Driving Range, Miniature Golf and Par 3 Course, Golf Course and Country Club, and Recreation – Outdoor Including Recreational Clubs and Camps.

<sup>502</sup> New use and definition.



- C. Expansion of a principal building by more than 50 percent of its floor area.

**Redevelopment, New**

See New Development and Redevelopment.

**Refuse**

All waste material directly connected with the cleaning, classification, milling, smelting, refining, preparation and otherwise of substances mined.

**Regional Facility**

An improvement or a part of a network or system of improvements that serve a larger area than a single subdivision and have value to a subdivision based on the nature and use of the improvement for roads, drainage, utilities, bridges, trails and open space, or floodplain requirements that insure the fullest use and development of an individual subdivision.

**Residence-Free Zone**

All lands within one mile of the Adams County Front Range Airport and in that airport's final approach area where residential construction will not be permitted.

**Resource Recovery Operation**

The industrial process of obtaining materials or energy from solid waste for recycling or reuse.

**Resource Recovery Operation**

An industrial processing operation which primarily is conducted for the purpose of recycling and/or reuse of a product or products.

**Restaurant<sup>503</sup>**

An establishment where food and drink are prepared, served and consumed primarily within the principal building. This use includes "Fast Food Restaurants."

**Restricted Development Area**

A racetrack or rectangular-shaped pattern beginning at the departure end of a Centennial Airport runway and terminating at the arrival end of the same runway, which provides an average flight path for arriving and departing aircraft.

**Resubdivision/Replat**

The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.

**Retail Sales<sup>504</sup>**

Establishments engaged in selling goods or merchandise to the general public for personal or household

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<sup>503</sup> Deleted separate term and definition for Restaurant, Drive-In or Takeout because it is not referenced in the Code and now addressed in the more general definition of Drive-Through Facility.

<sup>504</sup> New consolidate use and definition – includes three levels of retail sales (small, medium, large). Consolidates Retail, Retail - Department, Hardware, Dry Good, Ranching and Farm Supply Stores, Retail - Appliance, Furniture, and Carpet Stores, Retail - Specialty Retail Sales, Antique Stores and Gift Shops, Retail Sale of Any Commodity Manufactured, Processed, Fabricated and/or

consumption and rendering services incidental to the sale of such goods. This use does not include any form of retail sales or other use listed separately in Table 3-2.1.

**Retail Sales, Small**

A facility or establishment with up to 5,000 square feet of gross floor area.

**Retail Sales, Medium**

A facility or establishment with between 5,001 and 10,000 square feet of gross floor area.

**Retail Sales, Large**

A facility or establishment with between 10,001 and 60,000 square feet of gross floor area.

**Retail Marijuana Store**

Retail marijuana store shall mean an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers, as defined by Article XVIII, Section 16 of the Colorado Constitution and the CMC.

**Retaining Wall**

A wall designed to resist the lateral displacement of soil or other materials.

**Rezoning**

For the purpose of these Regulations, a revision to the County Zoning Map.

**Right-of-Way**

A land area, either public or private, on which an irrevocable right-of-passage has been recorded for the use of pedestrian, equestrian or vehicular movement; railroads; public utilities; and water and sewer facilities.

**Roadside Sales Stands<sup>505</sup>**

A temporary or permanent structure used for the sale and display of agricultural or horticultural products such as vegetables, fruits, dairy products, eggs, grains, meat poultry, fish, honey, hay, bedding plants, herbs, and wool.

**Rodeo<sup>506</sup>**

An event comprising of activities for competition, entertainment or display of skills including, but not limited to, horseback riding, bronco riding, steer wrestling, calf roping and/or riding, bulldogging, steer tailing, horse tripping, and barrel racing. Horse racing is not considered a rodeo activity. User fees, dues, admission fees, or other compensation may be paid, but compensation is not a required element to define an event as a rodeo. Food

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Warehoused Only on the Premises, and Retail Sale of Any Commodity Designed Especially for Use in Agriculture, Mining, Industry, Business, Transportation, or Construction.

<sup>505</sup> New consolidated use and definition. Combined with Produce Stand.

<sup>506</sup> **STAFF:** Rodeo is currently an example of a Seasonal Farming or Ranching Event that is proposed to be integrated as an accessory use to Agriculture and Ranch Use. Since it could likely be more impactful than a standard accessory agricultural use – should Rodeo be consolidated into the Outdoor Recreation use or maintained as a stand-alone use instead?

and/or alcohol may be bought or sold on the premises, subject to meeting any State or local health and safety regulations and/or licensing requirements. Steer tailing and/or horse tripping are prohibited within unincorporated Arapahoe County.

**Roof Line**

The highest point on any building where an exterior wall encloses usable floor area, excluding roof area provided for housing or screening of mechanical equipment.

**Runway Protection Zone**

An area immediately adjacent to all runway thresholds in which no non-aeronautical structures are normally permitted due to the obstacle clearance requirements of immediately arriving and departing aircraft.

**Rural Area**

Lands within unincorporated Arapahoe County, which are located outside the boundaries of both “Urban Services area” (as depicted in the Comprehensive Plan) and any “Urban Growth Boundary” for Bennett, Byers, Strasburg, or Watkins (As depicted in an approved sub-area plan).

**Rural Engineering Standards**

Engineering standards applicable to the rural portion of unincorporated Arapahoe County, specifically A-1 and A-E zoning districts, to address the unique character of rural residential development.

**Seasonal Farming or Ranching Events**

Events related to or occurring in the course of farming and ranching, taking place during, or dependent upon a particular season. Uses may include but not be limited to: rodeos, equestrian events, ancillary sales and previewing of livestock and training of small groups.

**Seasonal Sales<sup>507</sup>**

A primary or accessory business or use that may include but not be limited to the temporary retail sales of Christmas trees, pumpkins, fireworks, clothing and accessories, or other personal goods and other similar businesses or uses. This definition does not include a Roadside Sales Stand or any other Temporary Use listed separately in Section 3-2, Permitted Use Table.

**Sensitive Development Area**

Those land areas shown as having significant resource value on the Arapahoe County Resource Composite Map, or any of the following features identified by the county and riparian areas, agricultural land use, NREC-designated “prime farm land”, steep slopes, water buffers, ecological resources, historic and archeological sites, viewsheds, ridgelines, and important visual resources.

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<sup>507</sup> New consolidated use and definition. Consolidates Seasonal Sales or Events, Swap Meets/Flea Markets, Christmas Tree Lots, Fireworks stands and Tent/Sidewalk Sales.

**Service Parking Lot**

An all-weather surfaced parking area designated for the short or long-term parking of vehicles and equipment used by the principal or accessory use of the property.

**Setback**

The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line:

**Front Setback**

A setback extending across the full width of the lot measured perpendicular to the front lot line;

**Rear Setback**

A setback extending across the full width of the lot measured perpendicular to the rear lot line;

**Side Setback**

A setback extending the full length of the side lot line measured perpendicular to the side lot line. The side setback typically overlaps with the front or rear setback.

**Sewage Disposal Treatment Plant<sup>508</sup>**

A plant for the primary, secondary, tertiary treatment of sewage.

**Sexual Encounter Establishment**

A business or commercial establishment, that as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of “specified sexual activities” or the exposure of “specified anatomical areas” or activities when one or more of the persons in a state of nudity. A motel, hotel or other similar establishment will not be classified as a sexual encounter establishment merely by virtue of the fact that it offers private rooms for rent.

**Sexually-Oriented Business<sup>509</sup>**

A business or commercial establishment that is in all or in part an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio, and does not include a business that is an adult bookstore, adult novelty store or adult video store that is not also at least partially an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

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<sup>508</sup> New definition for existing use not currently defined.

<sup>509</sup> **STAFF:** Additional discussion of Sexually Oriented Businesses and all associated uses is necessary. This definition excludes adult bookstores, adult novelty stores, and adult video stores from the definition of Sexually Oriented Business so it seems there is already a distinction between how entertainment and retail operations are regulated. Please confirm.

**Shielded**

The light emitted from the lighting fixture is projected below a horizontal plain running through the lowest point of the fixture where light is emitted. The lamp is not visible with a shielded light fixture, and no light is emitted from the sides of such a fixture.

**Shooting Range, Outdoor**

The commercial use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, advanced firearms training, or temporary competitions, such as turkey shoots. This use does not include general hunting and unstructured discharging of firearms on private property with the property owner’s permission.

**Sight Triangle**

An area of land located at intersections of streets, drives, and other public and/or private ways situated to protect lines of sight for motorists, within which, the height of materials and/or structures is limited. With any parcel containing a sight distance triangle, no obstruction shall be permitted to be erected or grown above three feet in height within such sight triangle area.

**Significant Impact**

Any material effect on the surrounding area that potentially endangers health, safety, economy or resources. It includes, but is not limited to, the imposition of any obstacle to the extraction of a strategic, commercial mineral deposit, a significant increase in the cost of providing any governmental services, an increase in air and water pollution in excess of federal or state standards, a measurable increase in noise or obnoxious odor around residential or potential residential areas and contribution to or initiation of hazardous traffic patterns.

**Sign-Related Definitions<sup>510</sup>**

**Flag Banners/Feather Flags**

Any sign, banner, valance or advertising display constructed of cloth, canvas, fabric, or other light material, with or without frames.



<sup>510</sup> [Definitions for political signs, directional signs, directory sign, identification sign, project identification sign, and special area/theme sign deleted in Spring 2023 for internal consistency. Definition of off-premise sign deleted Fall 2023 for internal consistency.](#)

**Mural**<sup>511</sup>

A painting on the side of a building, wall, or structure, that does not meet the definition of a sign.

Commented [DE1]: Revise

**Sign**

Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service.

**Sign, Animated**

Any sign, or any part thereof which changes physical position by means of movement or rotation.

**Sign, Banner**

A temporary advertising sign which is not attached to a permanently mounted backing and/or which is allowed to wave, flap or rotate with the wind.

**Sign, Billboard**

Any permanent freestanding sign that is of a dimension exceeding forty-eight (48) square feet per sign face or exceeding six (6) feet in height above ground level and that is not otherwise specifically authorized by Section 4-1.5.F.2 (Freestanding Signs).<sup>512</sup> Billboard signs ~~will often, but are not required to, be~~ often oriented towards a public street or highway.

**Sign, Projecting**<sup>513</sup>

A sign affixed to a building wall that projects from the building face, generally at right angles to the building. Projecting signs are: primarily oriented toward vehicular traffic; typically taller than they are wide; and located in higher traffic volume areas.

**Sign, Directional**

~~Any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.~~

**Sign, Directory**

~~A sign utilized on a parcel containing more than one legal use which lists the names and/or other information of the individual businesses located on the parcel.~~

**Sign, Display Surface**

The display surface is the area made available by the sign structure for the purpose of displaying the advertising message and graphics.

<sup>511</sup> New in Spring 2023.

<sup>512</sup> Revised for consistency with new Freestanding Sign standards in Fall 2023.

<sup>513</sup> New in Spring 2023. Revised from Blade Sign Fall 2023 for internal consistency.

#### **Sign, Electronic Message Board**

An Electronic Message Board (EMB), when allowed, is a component or feature of an otherwise permitted sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

#### **Sign, Flashing**

Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

#### **Sign, Ground**

A sign structure supported by poles, uprights, or braces extending from or anchored into the ground but not attached to any part of the building.

#### **Sign Height**

The vertical distance from the average finished grade below the sign (excluding any berming beneath the sign that is not required by this Code) to the highest point on the sign structure. Average finished grade is measured at the midpoint of a line extending between two points directly below the lowest point on each side of the sign face.

#### **Sign, Identification**

~~A sign on any lot containing more than one legal use which may be either ground sign or wall-mounted, the contents of which is limited to the name, telephone number, location of the use upon the lot, hours of operation, service and/or products offered.~~

#### **Sign, Illuminated**

A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.

#### **Sign, Logo<sup>514</sup>**

A sign exhibiting a distinctive symbol ~~which identifies a business.~~

#### **Sign, Menu Board**

A sign placed adjacent to a **"drive-through"** lane which advertises products and prices of products intended to be purchased and/or picked up by purchasers while remaining in their vehicle, and which is located adjacent to the use or business selling said products.

#### **Sign Message**

The thought or idea conveyed or expressed by the words, letters, insignia, figures, designs, fixtures, colors, motion, illumination, sound or projecting images or any combination thereof.

#### **Sign, Off-Premises**

~~A sign advertising a land use, business, product or service not located or available upon the premises whereon the sign is located.~~

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<sup>514</sup> Modified to remove content-based regulation in Spring 2023.

**Sign, Permanent**

A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

**Sign, Permanent Freestanding Sign**

Any permanent sign that is erected as an individual or stand-alone structure, not attached to a building, wall, or fence.

**Sign Permit**

A permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion, or demolition of any sign, issued pursuant to ~~these Regulations~~this Code.

**Sign, Pole<sup>515</sup>**

A free-standing sign with an elevated surface supported by one or more vertical poles or columns placed in the ground.

**Sign, Political**

~~A sign advertising or promoting a candidate, political party, ballot issue or political issue to be voted upon at any public election.~~

**Sign, Project Identification**

~~A sign whose only message consists of the name and/or address of the development which is located on the parcel of land containing the project (i.e. Smith's Shopping Center, Smith's Office Park, The Smith Hotel, etc.).~~

**Sign, Projecting**

A sign which projects from a wall or roof and is supported by a wall or roof of a building.

**Sign, Roof**

A sign upon or above the roofline or parapet of the building or structure.

**Sign, Special Area/Theme**

~~A sign which identifies a unique, planned area of the County such as a Metro District, residential community, conglomeration of office parks, etc.~~

**Sign Structure**

A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, sign board, and framework designed to contain a sign message. Sign structure ~~is~~does not ~~meant to~~ include the message conveyed by the sign.

**Sign, Temporary**

Temporary signs shall include, but not be limited to, any exterior sign, banner, pennant, valance or advertising display:

- A. Which is constructed of cardboard, paper, cloth, canvas, fabric, plywood, light weight plastic or other light weight material, with or without frame; or

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<sup>515</sup> New in Spring 2023.



- B. Which is designed for short-term use, or to be moved about from place to place, or not permanently affixed to a nonmovable, non-portable supporting structure.
- C. “Temporary signs” shall not include signs placed in the open bed of a vehicle or printed, affixed, lettered, placed upon or attached to a vehicle.

**Sign, Three-Dimensional<sup>516</sup>**

**Sign, Top of Building Wall Facade**

A sign located above the top row of windows and below the parapet edge or leading edge of the building roofline on a building three or more stories in height.

**Sign, Vehicle<sup>517</sup>**

A sign or other advertising device painted on or otherwise affixed to a car, truck, trailer, or other similar motorized or non-motorized vehicle.

**Sign, Wall**

A sign attached to, painted on, or erected against a wall or parapet wall of a building, structure or fence whose display surface is parallel to the face of the building, structure or fence and whose height does not exceed the height of the wall, structure or fence to which said sign is attached, painted upon, or against which said sign is erected.

**Sign, Window**

A sign which is applied or attached to, or located within one foot of the interior of a window, which sign can be seen through the window from the exterior of the structure.

**Sign Without Backing**

Any word, letter, emblem, insignia, figure, or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display area.

**Site-Specific Development Plan**

Pursuant to the Colorado Revised Statutes, as may be amended, a Plan approved by the Board of County Commissioners which grants a vested property right.

**Slaughter House**

An industrial facility where animals are processed for consumption as food products, and the facility meets all of the air and water quality requirements of the public health agencies.

**Slope**

The vertical elevation of a land area divided by the horizontal distance, expressed as a percentage. For purposes of this Land Development Code, slopes must cover a total land area of at least 5,000 square feet.

**Small Wind Energy Conversion System (SWECS)**

Any mechanism, including blades, rotors, or other moving surfaces, designed for the purpose of converting wind energy into mechanical or electrical power with a maximum

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<sup>516</sup> New in Spring 2023. Revised Fall 2023 to add three story minimum building height for this type of sign.

<sup>517</sup> New in Spring 2023.

capacity of 100 kilowatts. For the purpose of these Regulations, towers, tower bases, guy wires and any other structures necessary for the installation of a small wind energy conversion system are also included.

#### **Snow Shadowing**

The effect of shadows from buildings, structures and coniferous landscaping located on the south sides of public rights-of-way, reducing the ability of solar radiation to melt ice and snow.

#### **Solid Waste Disposal Site and Facility<sup>518</sup>**

The location and facility at which the deposit and final treatment of solid, liquid or hazardous wastes occurs or a discrete area of land or an excavation where solid wastes are placed for final disposal, which is not a land application unit, waste impoundment, or waste pile. Landfills include, but are not limited to: ash monofills, construction and demolition landfills, industrial landfills, sanitary landfills, tire monofills and similar facilities where final disposal occurs. This definition does not include Injection Wells.

#### **Solid Waste Transfer Facility<sup>519</sup>**

A fixed facility where non-hazardous solid waste and rubbish from collection vehicles is consolidated for subsequent transfer to disposal sites.

#### **Specific Development Plan (SDP)**

The document required to be submitted and approved in order to complete the first step of the Two-Step Planned Unit Development process, or the second step of the Three-Step Planned Unit Development process, in Section 5-3.3 , Planned Unit Development. This document provides specific information regarding the type, scale, layout, design, and quality of proposed land uses, open spaces, and circulation systems, as well as information required to allow later site design approvals to occur through the Administrative Site Plan process.

#### **Specified Anatomical Areas**

As used herein means and includes any of the following: less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola; or human male genitals in a discernible turgid state, even if completely and opaquely covered.

#### **Specified Sexual Activities**

Means and includes any of the following:

- A. the fondling or other intentional touching of human genitals, pubic region, buttock, anus or female breast;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. Human genitals in a state of sexual stimulation, arousal or tumescence; or,

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<sup>518</sup> New consolidated use and definition.

<sup>519</sup> New use in use table, but Carried forward existing definition for Waste Transfer Station.

- E. Excretory functions as part of or in connection with any of the activities set forth in subparts (A) through (D) of this definition.

**Stable or Riding Academy<sup>520</sup>**

An establishment where riding animals are sheltered on a rent, lease or fee basis, fed, and/or kept for personal use. Lessons to develop horsemanship may be conducted.

**Start of Construction**

- A. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home or a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.
- B. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Steep Slope**

Slopes that are 15 percent or greater.

**Storage Container/Pods**

A prefabricated structure, commonly comprised of lightweight metal, which is intended for temporary storage of personal items.

**Street**

A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

**Street, Arterial**

A street designed to carry high volumes of traffic across and through the County and which interconnects with and augments the regional thoroughfare systems to provide service for trips of moderate length and to distribute travel areas smaller than those of regional thoroughfares.

**Street, Collector**

A street connecting a series of local streets to each other in such a manner that local traffic is collected and distributed to other collector or to arterial streets. Collector streets provide both land access services and local traffic movement within and between residential neighborhoods, commercial areas and industrial areas.

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<sup>520</sup> New consolidated use and definition.

**Street Cul-De-Sac**

A local street of relatively short length with one open end and the other end terminating in a vehicular turnaround.

**Street, Dead-End**

A street that is connected to another street at one end, but which is intended to ultimately connect with another street at the closed end.

**Street Frontage**

The distance along any boundary line of a lot which is also the boundary line of a public street, road or highway right-of-way. A local or collector street parallel and adjacent to a regional thoroughfare or arterial street providing access to adjacent properties at specified points.

**Street, Local**

A street primarily intended to serve and provide access to properties abutting the street and not connecting with other streets in such a way as to encourage through traffic.

**Street, Private**

The pavement design and construction of private streets shall be in accordance with criteria contained in the Arapahoe County Roadway Design and Construction Standards. A note so indicating shall be placed on the Final Plat, Replat, Final Development Plan, Subdivision Development Plan, or other official document prior to execution by the Board of County Commissioners.

**Street, Regional Thoroughfares**

Streets and highways primarily designed to serve major centers of activity within a metropolitan area, having high existing or projected traffic volumes and carrying a high proportion of the total urban travel within a minimum of mileage.

**String of Lights**

A series of lights attached to a wire, race, or inserted in transparent tubing in such a way that it can be moved about or hung in various ways, and whose bulbs are not luminaires permanently attached to a building or other structure.

**Structure (Non-Floodplain)**

Anything constructed or erected that requires location on the ground or attached to something having location on the ground but excluding in-ground swimming pools. Signs, fences, or walls used as fences, as otherwise regulated in this Code and requiring a building permit.

**Structure, Temporary**

A structure which is not a permanent structure, or one which is constructed for a special purpose in contemplation of eventual removal. For the purpose of these Regulations, the term "temporary" shall mean a period up to six months.

**Subdivider or Developer**

Any person, firm, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sales, or lease of a subdivision.

**Subdivision Improvements Agreement**

One or more security arrangements which the County shall accept to secure the actual cost of construction of such public improvements as may be required by the Board of County Commissioners.

**Subdivision and Subdivided Land**

Any parcel of land in the State which is divided into two or more parcels, separate interests, or interests in common, unless exempted under subsections (A), (B) or (C).

- A. The terms "subdivision" and "subdivided land" as defined above shall not apply to any division of land which creates parcels of land each of which comprise 35 or more acres of land, none of which is intended for use by multiple owners.
- B. Unless the method of disposition is adopted for the purpose of evading this article, the terms "subdivision" and "subdivided land" as defined above, shall not apply to any division of land:
  - 1. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interests;
  - 2. Which is created by a lien, mortgage, deed of trust or any other security instrument;
  - 3. Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County Commissioners of Arapahoe County, in which the property is situated, is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of provisions of these Regulations prior to entry of the court order; and, if the Board does not file an appropriate pleading within 20 days after receipt of such notice by the court, then such action may proceed before the court;
  - 4. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity;
  - 5. Which creates cemetery lots;
  - 6. Which creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; or
  - 7. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposes of this section as only one interest;
  - 8. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this article and any applicable County regulations, the land which he is to acquire pursuant to the contract;
  - 9. Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than 35 acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than 35 acres in land area, such land area, divided

by the number of interests in the resulting parcel, must result in 35 or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph.

- C. The Board may exempt from this definition of the terms "subdivision" and "subdivided land," any division of land if the Board determines that such division is not within the purposes of this article.

#### **Subdivision Regulations**

The Subdivision Regulations duly adopted by the Board of County Commissioners of Arapahoe County and contained in this Land Development Code in Chapters 4 and 5.

#### **Substantial Change**

The definition of an Substantial Change, as that terms is used in regulation of Wireless Communication Facilities (WCF) is in Section 3-3.5.G.

#### **Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

#### **Substantial Improvement**

Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

#### **360 Degree Architectural Treatment**

Building materials, color schemes and rooftop screening which is identical on all sides of a structure, and which encloses loading docks and other service areas.

#### **Technical Review Committee**

The committee established to review and evaluate design and engineering issues, and minimum requirements related to subdivision and development. The committee also considers variance and waiver requests of County criteria, regulations, and standards. The committee is comprised of representatives of the Engineering Services Division, Transportation Division, and Road and Bridge Division that have review responsibilities established by County rules and regulations.

**Temporary Concrete and/or Batch Plant<sup>521</sup>**

A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

**Temporary Construction Yard or Office<sup>522</sup>**

A parcel used for the storage of construction materials and/or a temporary structure for a construction office to be used for managing a construction job.

**Temporary Residential Sales Office (Model Homes)<sup>523</sup>**

A residential structure used by a licensed homebuilder/ developer, real estate worker or realtor to demonstrate construction, display built-in amenities and color selection charts to prospective home buyers and promote the sale or lease of housing units. The model home may be staffed and furnished.

**Temporary Structure**

See Structure, Temporary.

**Time and/or Temperature Devices**

Signs consisting of devices which provide time and/or temperature information.

**Tires, Batteries and Accessories**

Retail establishments which perform minor auto repair, as defined in this section.

**Thematic Vacations or Events<sup>524</sup>**

Social, educational or cultural gatherings, for one or more days, conducted in a farm-like atmosphere including such activities as “visiting farmer” vacations.

**Topsoil**

The layer at the surface of the earth which has been so modified and acted upon by physical, chemical and biological agents that it will support rooted plants necessary to achieve reclamation goals.

**Tract**

A parcel platted in a subdivision which is set aside as a restricted tract unsuitable for development, or for a public or community-wide purpose which shall be shown on the face of the plat. A public or community-wide purpose may include a drainage area, stormwater detention or retention areas, areas for signs, parks, open space, utilities, or land areas reserved for other public facilities. Except for restricted tracts, a tract is further defined as having been dedicated to the County or a quasi-public agency, or as being owned by a homeowners association for the subdivision in which the tract is located.

**Traffic Pattern Area**

A racetrack or rectangular-shaped pattern beginning at the departure end of a runway and terminating of the arrival end of the same runway, which provides an average flight path for

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<sup>521</sup> Deleted separate definition for Temporary Concrete Batch Plant.

<sup>522</sup> Definition from current use-specific standards for temporary construction yard or office.

<sup>523</sup> New definition for existing use.

<sup>524</sup> **STAFF:** This is a very unusual use, by itself or as a form of entertainment, and we suggest it be deleted.

arriving and departing aircraft. For Centennial Airport, the Traffic Pattern Area is designated as the "Restricted Development Area.

**Trail**

A public pathway for the use of pedestrian, non-motorized bicycle, or equestrian uses officially designated on a subdivision plat of record, or the County's Comprehensive Plan.

**Transmission Lines**

Any electric transmission line and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation, which are designed for or capable of, the transmission of electricity at 115 kilovolts or greater.

**Trash Container/Dumpster**

A waste receptacle designed to be emptied into garbage trucks.

**Trash Enclosure**

An enclosure constructed to secure, contain, or visually screen dumpsters/trash containers.

**Turnaround**

The circular or T-shaped terminating end of a cul-de-sac which provides sufficient area for the turning of emergency vehicles, sanitation trucks, or other service vehicles and automobiles.

**Twenty-Four (24) Hour Use**

A land use whose hours of operation exceed 18 consecutive hours in any 24-hour day. A land use seeking hours of operation in excess of 18 hours in any 24 hour period.

**Underground Mining**

Mining activity which occurs primarily beneath the surface of the ground.

**Uniformity Ratio**

The ratio between the maximum initial horizontal illuminance level and the minimum initial horizontal illuminance level on the site and within a specific use area such as a parking lot

**Unincorporated**

Situated outside of cities and towns, so that, when used in connection with "territory", "areas", or the like, it covers, includes, and relates to territory or areas which are not within the boundaries of any city or town.

**Urban Agriculture<sup>525</sup>**

The use of a parcel of land three acres or smaller in size for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. This use may include the production and/or sale of food products from food grown on the premises, and may include accessory keeping of animals or bees subject to County regulations.

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<sup>525</sup> New use and definition.



### **Urban Growth Boundary**

An urban growth boundary (UGB) is a planning strategy used by Denver Regional Council of Governments (DRCOG) and accepted by Arapahoe County by the intergovernmental agreement known as the Mile High Compact. The Urban Growth Boundary/Area defines where future development is intended to occur so infrastructure can be planned and constructed more cost-effectively. An urban growth boundary also encourages a more compact development pattern by directing growth inward, stimulating infill and redevelopment activity, and capitalizing on the use of existing infrastructure.

### **Urban Drainage And Flood Control District (UDFCD)**

A multi-jurisdictional independent service district tasked with assisting local governments with drainage and flood control problems and providing oversight and management of drainage facilities within the boundaries of the district. Within the County, the eastern limit of the UDFCD boundary coincides with County Road 121, Schumaker Road.

### **Use**

The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied.

### **Use By Special Review**

Use which must have approval of the Board of County Commissioners before being allowed in a specific District.

### **Use, Principal**

The primary use located on a parcel.

### **Use, Special Exception**

Use which must have approval of the Arapahoe County Board of Adjustment before being allowed in a specific District.

### **Utility Lines**

All utility lines, except major transmission lines, shall be placed underground in all zoning districts, unless the Board of County Commissioners grants an exception.

### **Variance**

A grant of relief to a person from the requirements of this LDC when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Land Development Code.

### **Vehicle Fleet Operations Center<sup>526</sup>**

A central facility for the dispatch, distribution, storage, staging, and loading of vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require

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<sup>526</sup> New use and definition.

frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services.

**Vehicle Repair, Major**

A commercial business for the general repair, rebuilding, or reconditioning of engines and drive trains, framework, body work, welding and painting performed on motor vehicles and trailers.

**Vehicle Repair, Minor**

A commercial business for the servicing of passenger and light-truck motor vehicles including the replacement and/or repair of parts, but not requiring the removal of the engine or drive train or pieces of body work larger than minor trim, and including the replacement of tires, batteries, vehicle fluids, exhaust systems and brakes.

**Vehicle Sales or Rental, Heavy<sup>527</sup>**

An establishment that specializes in the sale, display, lease, rental, or storage of heavy equipment including, but not limited to, tractors, trucks with a gross vehicle weight of over 10,000 pounds, semi-trucks and/or trailers, boats, recreational vehicles, and other large equipment.

**Vehicle Sales or Rental, Light<sup>528</sup>**

An establishment that specializes in the sale, display, lease, rental, of light motor vehicles, including automobiles, vans, light trucks, and light trailers. Accessory uses may include sales of parts for, washing, and servicing of light vehicles.

**Vested Property Right**

Pursuant to the Colorado Revised Statutes, as may be amended, a property right granted for three years after approval of a "site specific development plan," as approved by the Board of County Commissioners.

**Voided Annexation**

The result of a court action which has the effect of making the land use regulations created upon an annexing parcel of land voidable. A parcel of land which has had its annexation voided and is required to rezone under these Regulations prior to development of the parcel.

**Watercourse**

See Drainageway.

**Water Treatment Plant<sup>529</sup>**

A facility to treat water or wastewater for or from a defined service area, and that typically has employees at the site, including but not limited to water treatment plants, water pumping plants, and underground water storage facilities.

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<sup>527</sup> New definition for existing use not currently defined.

<sup>528</sup> New use and definition.

<sup>529</sup> New definition for existing use not currently defined.

**White Light Source**

A light source that falls within the 460 and 580 nanometer wavelength of light.

**Wholesale or Warehouse<sup>530</sup>**

A facility that is used for storage, wholesaling, and/or distribution of manufactured products, supplies, and equipment, but not involved in manufacturing or production and not primarily engaged in the retail sale of goods to the public.

**Wildlife Sanctuary<sup>531</sup>**

A facility where rescued animals, their habitats and their surroundings are protected from any sort of disturbance.

**Winery Operations**

The cultivation of plants intended for the production of wine, research of agricultural crop potential, importation of grapes and related products from vineyards, production of wine and/or the sale of related products.

**Wireless Communication Facilities (WCF)-Related Definitions**

Words and phrases related to the regulation of WCFs are in Section 3-3.5.G.

**WSE**

See Water Surface Elevation (WSE).

**Yard, Front**

Required unobstructed open space extending from the front lot line into a lot over the full lot width, excepting driveways and walks.

**Yard, Rear**

Required unobstructed open space extending from the rear lot line into a lot over the full lot width; provided, however, that exterior chimneys, soffits and bay windows may extend into the rear yard a distance of up to 24 inches. Said rear yard shall be measured from the property line to the foundation or the nearest point of projection of the structure.

**Yard, Separation**

Minimum distance between structures measured from the foundation of one structure to the foundation of an adjoining structure; provided, however, that exterior chimneys, soffits and bay windows may extend into this open area a distance of up to 24 inches for each of the structures.

**Yard, Side**

Required unobstructed open space extending from the side lot line into a lot over the full lot depth; provided, however, that exterior chimneys, soffits and bay windows may extend into the side yard a distance of up to 24 inches. Said side yard shall be measured from the property line to the foundation or to the nearest point of projection of the structure.

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<sup>530</sup> New consolidated use and definition. Consolidates Wholesale Business, Storage, Or Warehousing and Showroom/Warehouse.

<sup>531</sup> New definition for existing use not currently defined.

**Zero Lot Line**

A situation in which either two adjoining structures on adjacent but separate properties share a common wall or a structure is built up to its property line with no easement or setback requirement.