
Chapter 2: Zoning Districts

3-3.2 Residential Uses

A. GROUP HOMES

1. Intent

- a. To acknowledge the role of the group home as a means of providing certain individuals the opportunity to live in normal residential surroundings.
- b. To designate the different types of group homes and to ensure that, to the extent possible under federal and state regulations, group homes comply with the Administrative Provisions of this document.

2. General Provisions: Type A Group Home

- a. As every residential use does, so must the group home accomplish the following:
 - i. Conform to the provisions of the governing zone district.
 - ii. Demonstrate architectural consistence and compatibility with surrounding development.
 - iii. Comply with any and all applicable federal, state and county rules, regulations and/or requirements pertaining to the specific use.
- b. Group homes may not contain more than eight resident individuals.
- c. 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.
- d. In the MU zone district, Type A Group Homes shall be a principal permitted use when residential uses are a part of the MU-PUD.

3. General Provisions: Type B Group Homes

- 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 group home must comply with any and all applicable federal, state and county rules, regulations and/or requirements pertaining to the specific use.

B. MIX OF USES AND DWELLING UNIT TYPES

1. R-PSF Zone District: Any combination of single-family detached and single-family attached dwelling unit is permitted
2. R-PM and R-PH Zone District: Any combination of single-family detached, single-family attached and multi-family dwelling unit is permitted.
3. MU Zone District: Any combination of commercial, industrial, or residential uses permitted by an approved Preliminary Development Plan.

C. MANUFACTURED/MOBILE HOME PARKS OR SUBDIVISIONS

1. Manufactured/mobile home parks or subdivisions shall abut or have access to streets and highways no less than ~~4560~~ feet wide for two-way traffic. Curves on roads shall be 15 wide for single lane traffic and 28 feet wide for two-way traffic.
2. The manufactured home, or mobile home, park or subdivision shall be so arranged that all residences have direct access to an interior roadway.
3. Approved landscaping shall not interfere with the transporting of a mobile home unit.
4. 10 foot setbacks shall be provided along the front, side and rear perimeter of the park to be used for no other purpose than landscaping, and shall be so designated on the Preliminary Development Plan.

5. In each manufactured/mobile home park there shall be provided the following areas:
 - a. Adequate laundry facilities for residents.
 - b. ~~One~~ ~~Two~~ off-street parking spaces for each residence.
 - c. A recreation area for the residents.
6. Garbage and trash containers, rodent and insect control features, and water and sewer provisions must meet with the approval of the Arapahoe County Board of Health and/or the State Health Department.

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

A. SPECIFIC PURPOSE

~~Arapahoe County allows multi-family development only through a PUD process; this section is reserved for future regulations.~~ The purpose of the R-MF district is to establish and preserve residential districts that are appropriate for higher-density multifamily housing and neighborhood-serving commercial uses. The R-MF district is intended to be conveniently located near collector and arterial streets, with easy access to major employment and activity centers, and public amenities or complementary uses and activities such as schools, parks, open space, and public transit and are intended to serve as transitional areas between non-residential areas and lower-density residential uses. The R-MF district is primarily intended for residential uses but may also include limited nonresidential uses that support the surrounding area pursuant to Table 3-2.

B. RELATION TO THE COMPREHENSIVE PLAN

The R-MF Zone District is intended to correspond to and implement the “Multifamily” land use category designated in the Development Framework and Land Use chapter of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a diversity of housing types within this land use designation. This zone district provides for higher-density development with neighborhood-serving commercial uses.

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 R-MF Zone District only if the proposed district complies with all of the following specific criteria:

1. The property is located within the Urban Area or the Rural Town Center Planning Areas as defined by Sub-Area Plans. The property shall not be in or adjacent to a hazard area or within the Airport Influence Area (Centennial Airport, Buckley Space Force Base, Denver International Airport, and Colorado Air and Space Port) absent an AIA Waiver per Section 5-5.5.

2. The property is located near major arterials and transit systems and in proximity to neighborhood services and employment, generally within a one half mile of the subject property boundary.-

D. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

The R-MF zone district may be affected by the special use and height restrictions and performance regulations as set forth in -the AIA-O, Airport Influence Area Regulations.

E. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

The R-MF zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

F. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

Land that has been de-annexed from a municipality may be rezoned to R-MF.

2-4.11. MU, Mixed Use

A. SPECIFIC PURPOSE

The purpose of the MU district is to establish and design a neighborhood with a mix of commercial and higher density residential land uses adjacent to transit and major road corridors in an urbanized area to offer greater opportunities to live, work, and recreate within close proximity. The MU district is intended to be conveniently located near transit stations and arterial and collector streets, with easy multi-modal access for higher density residential uses to a full range of office, retail, and service uses.

B. RELATION TO COMPREHENSIVE PLAN

The MU Zone District is intended to correspond to and implement the “Mixed Use” land use category designated in the Development Framework and Land Use chapter of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a compatible mix of commercial and high-density housing types within this land use designation. This zone district provides for higher-density development with neighborhood-serving commercial uses.

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 MU Zone District only if the proposed district complies with all of the following specific criteria:

1. The property is located within the Urban Area or the Rural Town Center Planning Areas as defined by Sub-Area Plans. The property shall not be in or adjacent to a hazard area or within the Airport Influence Area (Centennial Airport, Buckley Space Force Base, Denver International Airport, and Colorado Air and Space Port) absent an AIA Waiver per Section 5-5.5.
2. The property or any part thereof is located within one-half mile of arterial streets and transit systems and in proximity to neighborhood services and employment.

D. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

The R-MF zone district may be affected by the special use and height restrictions and performance regulations as set forth in the AIA-O, Airport Influence Area Regulations.

E. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

The R-MF zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

F. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

Land that has been de-annexed from a municipality may be rezoned to R-MF.

G. 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 the appropriate federal, state, and local government agencies.
2. The effects of dust, fumes, odors, refuse, smoke, vapors, lighting and noise shall not extend property lines.
3. All site designs shall consider visual and audible impacts to adjacent 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 away from public streets or adjacent residential uses to minimize visibility 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~~360-degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

Chapter 3: Permitted Uses

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. 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.
- B. 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 IN ACCORDANCE WITH APPLICABLE SECTION OF THIS LAND DEVELOPMENT CODE (SECTION 5-3.4, USE BY SPECIAL REVIEW; SECTION 5-3.4 USE BY SPECIAL REVIEW, SMALL SOLAR FACILITIES; SECTION 5-3.6, USE BY SPECIAL REVIEW, OIL AND GAS FACILITIES; AND/OR 5-3.5, MARIJUANA USES), AND THE USE IS SUBJECT TO ANY USE-SPECIFIC STANDARDS LISTED IN THE RIGHT-HAND COLUMN OF THAT LINE OF THE TABLE.
- C. 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.
- D. 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.

- E. 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, AND SECTION 5-5.3, TEMPORARY USE PERMITS.
- F. 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 Used 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 Used 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.

3-2 PERMITTED USE TABLE

See Table 3-2.1 below.

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.

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 ^[1]														Non-Residential ^[1]								PUD Districts ^[2]		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	R	MF	MU	B-1	B-3	B-4	B-5	I-1	I-2	F ^[3]	O	PUD	SBC-O	Code Section	
Residential Uses																												
Household Living																												
Dwelling, Single family detached dwelling		P	P	P	P	P	P	P	P	P	P	P	P													P		
Dwelling, Single family cluster, detached dwelling									P	P																P	3-3.2.B	
Dwelling, Single family attached dwelling, other than 2-family or townhome											P	P		P											Per Approved General, Specific, Preliminary or Final Development Plan	p ^[4]	3-3.2B , 3-3.2.H	
Dwelling, 2-Family Dwelling											P	P		P												P	3-3.2. B	
Dwelling, Townhome Dwelling												P		P												p ^[4]	3-3.2.H	
Dwelling, Multi-family dwelling																												
New Multi-family requires a PUD														P		P											p ^[4]	3-3.2B , 3-3.2.H
Dwelling, Live-Work														P		P												
Accessory Dwelling Unit		A	A	A	A	A	A	A	A	A	A			A											A	A	3-3.2.D	
Manufactured home ^[10]		P	P	P	P	P							P	P											Per Approved General, Specific, Preliminary or Final Development Plan			
Mobile home		P	P										P														3-3.2.C	
Ranch Hand/Agricultural Worker Housing		SE	SE	SE																							3-3.2F	
Home Occupation, General		A	A	A	A	A	A	A	A	A	A	A	A	A	A										A		3-3.12.A	
Home Occupation, Day Care		A	A	A	A	A	A	A	A	A	A	A	A	A	A										A		3-3.12.B	
Home Occupation, Day Care Experienced Provider or Large		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE										SE		3-3.12.B	
Marijuana, Non-commercial use		See Sections 3-3.5.C.2.a, and 3-3.5.C.3															See Sections 3-3.5.B, and 3-3.5.C								See Sections 3-3.5.B, and 3-3.5.C			3-3.5
Pets		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									A		3-3.2.E	
Backyard Bees or Chickens						A	A	A	A	A	A	A	A	A	A	A									A		3-3.2.I3-3.2I	
Temporary Residence		T	T	T																								
Group Living																												
Assisted Living Facility														P		P												
Group Home – Type A		P	P	P	P	P	P	P	P	P	P	P	P	P		P									Per Approved General, Specific, Preliminary or Final Development Plan		3-3.2.A3-3.2A	
Group Home – Type B		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR										SR	3-3.2.A3-3.2A	
Overnight Shelter														P		P	P	P	P	P								

[illegible]

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Flower Farms		P	P																						Per Approved General, Specific, Preliminary, or Final Development Plan		
Greenhouses, wholesale or retail		P	P																P	P	P						
Greenhouses, non-commercial, exceeding accessory structure limits		P	P	A	A																						3-3.1E
Hunting Club		SR	SR																								
Roadside Sales Stands		A	A	A																							3-3.13.J
Farming or Ranching Events		P	P																								
Stable, Riding Academy – Public or Commercial Riding,		P	P	P																			p ^[5]	SE			3-3.1B.3.b
Stable – Private Riding		P	P	P	A																						3-3.1B.3.a
Storage Container		A	A	A																							3-3.1.F
Commercial and Industrial																											
Automotive and Parking																											
Auto sales with or without minor auto repair as an accessory use																		P	P	P	P	P			p ^[6]		
Auto service station																		P	P	P	P	P					
Car wash and/or auto detailing																		P	P	P	P	P			SR		
Parking lot or structure, principal use (public or commercial)																<u>P</u>		P	P	P				SE	Per Approved General, Specific, Preliminary, or Final Development Plan		
Parking lot or structure, accessory															<u>A</u>		A	A	A	A	A						
Parking Lot, accessory to park or public facility																						A					
Parking, Temporary		T	T	T													T	T	T	T							
Vehicle Repair, Minor																		P	P	P	P	P					
Vehicle Repair, Major																			P	SR	P	P					
Vehicle Sales/Leasing/Rental																		P	P	P	P	P					
Contractors, Trades and Construction																											
Building/landscape material sales yard																			P		P	P				Per Approved General, Specific, Preliminary, or Final Development Plan	P
Contractors including but not limited to plumbing, heating, and electrical (no outdoor storage)																		P	P	P	P	P					3-3.4.D
Contractors including but not limited to plumbing,																			P		P	P					3-3.4.D

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heating, and electrical (with outdoor storage)																									PUD	SBC-O	Code Section			
Specialty Trade Shop, including but not limited to cabinet, electric, plumbing, heating, lithographic and/or printing shops, furniture reupholstering																			P	P	P	P								
Temporary Concrete and/or Batching Plant with materials stockpiling		SE	SE																											
Temporary construction yard and/or office		T	T	T	T	T	T	T	T	T	T	T	T				T	T	T	T	T	T			T	T	3-3.13.B			
Recreation																														
Agri-tainment		SR	SR																						Per Approved General, Specific, Preliminary, or Final Development Plan					
Amateur Motorsports Facility		SR																										3-3.4.A		
Amusement park																							SE							
Ball fields																						P								
Drive-in theater																								SE						
Go-cart and skateboard tracks																								SE						
Driving range, miniature golf and “par 3” course																								SE						
Golf course and country club																						P	P					3-3.8.A		
Health Club															<u>P</u>		P	P	P	P	P	A				P				
Nature areas, picnic areas, and trails																							P							
Play courts / Playground equipment																							P							
Recreation – Indoor															<u>P</u>			P	P	P	P	P					P			
Recreation – Outdoor, including recreational clubs and camps																		P	P	P	P	SR	P	p ^[8]						
Rodeo		SE	SE	SE	SE																									
Shooting Range (outdoor)		SR																												
Trails and paths open to the general public																								P						
Wildlife sanctuary																								P						
Manufacturing, Warehousing, Industrial and Utilities																														
Explosion welding, cladding, or metallurgical bonding of metal or other similar uses		SE																							Per Approved General, Specific,		3-3.4.F			

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Hotel/Motel																P	P	P	P	P	SR			Preliminary, or Final Development Plan	P		
Microbrewery																P	P	P	P	P							
Nightclub																SR		P	P	P						P	
Restaurant – without drive through														A		P	A	P	P	P	P	P					
Restaurant – with drive through																		P	P	P	P	P					
Retail and Commercial Service																											
Bank (with or without drive-through)																P	P	P	P	P	A			Per Approved General, Specific, Preliminary or Final Development Plan	P		
Convenience store with or without gas pumps																P		P	P							P	
Convenience store, 24-hour operation, with or without gas pumps																SR		SR	SR	SR	SR					SR	
Farmer's Market (Year-Round)	SE	SE																									3-3.13.G
Farmer's Market (Seasonal)	P	P	T														T	T	T	T						T	3-3.13.G
Firewood, Storage and Sale	SE	SE	SE																								
Marijuana, Commercial uses																											3-3.5.B, 3-3.5.C
Retail														A		P	A	P	P	P	A	A					3-3.4.H
Retail - Department, hardware, dry good, ranching and farm supply stores																										P	
Retail - Appliance, furniture, and carpet stores																										P	
Retail - Specialty retail sales, antique stores and gift shops																P										P	
Retail sale of any commodity manufactured, processed, fabricated and/or warehoused only on the premises																					SE	SE					3-3.4.H
Retail sale of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction																						SE					
Retail, Service														A		P	P	P	P	P	A	SE				P	
Retail, Service -- Dry cleaning and commercial laundries																										P	
Seasonal sales or events including, but not limited to pumpkin sales lots, corn		T	T	T													T	T	T	T					Per Approved General, Specific,		

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mazes, hayrides, haunted houses, and other similar events or uses																								Preliminary or Final Development Plan		
Sexually-oriented business																		P	P	P	P					3-3.6
Swap meets/flea markets	T	T	T													T	T	T	T							3-12.L
Tent/sidewalk sales																	T	T	T							3-3.13.F
Telecommunications and Towers																										
Broadcast Tower Facility and Other Commercial antennas and radio towers	SE																						SE			
Commercial Mobile Radio Facilities (CMRS), 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	P		P		P	3-3.9.A
Commercial Mobile Radio Facilities (CMRS), Freestanding Concealed	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P		P		P	3-3.9.A
Commercial Mobile Radio Facilities (CMRS), Freestanding Not Concealed	P	P	P													P	P	P	P	P	P			Per Approved General, Specific, Preliminary or Final Development Plan		3-3.9.A
Commercial Mobile Radio Service Facilities, Temporary	T	T	T	T	T	T	T	T	T	T	T	T				T	T	T	T	T	T	T	T		T	3-3.9.A
Over-height Commercial Mobile Radio Service (CMRS) freestanding towers, public and private freestanding communication towers	SE	SE	SE													SE	SE	SE	SE	SE	SE				SE	3-3.9.A
Telephone exchanges and similar buildings housing tele-communication equipment																				P	P					
Small Wind Energy Conversion System	P	P	P	P	P	P	P					SE														3-3.9.B
Transportation																										
Helipad operations																SE	SE	SE	SE	SE	SE		SE	Per Approved General, Specific Preliminary or Final Development Plan		3-3.11.A
Airport																							SE			
Landing Strip for Private Aircraft and/or aircraft-related recreational facilities	SE	SE																					SE			
Utilities and Infrastructure																										
Major Electrical, Natural Gas, and Petroleum-Derivative	SR	SR																			SR			Per Approved General, Specific		3-3.10.A

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		Agriculture and Residential ^[1]														Non-Residential ^[1]							PUD Districts ^[2]		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	R	MF	MU	B-1	B-3	B-4	B-5	I-1	I-2	F ^[3]	O	PUD	SBC-O	Code Section
Facilities of a private company																									Preliminary or Final Development Plan		
Major Public Utility Facility																	P	P	P	P	P	P					3-3.10.A
Minor public utility facility (distribution substation, underground distribution lines)																	P	P	P	P	P	P					3-3.10.B
Minor public utility facility (including above-ground distribution lines and underground utilities)																					P	P	p ^[9]				
Oil and Gas Facility		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR				SR	SR	SR	SR	SR	SR		SR		SR	5-3.6
Sewage disposal treatment plant																					P	P				3-3.10.C	
Small Solar System Facility		SR	SR																		SR	SR				5-3.5	
Water treatment plant																					P	P				3-3.10.D	
Waste and Recycling																											
Automobile Wrecking/Salvage																						P			Per Approved General, Specific, Preliminary or Final Development Plan		
Junk Yard																						P					
Resource recovery operation/recycling facility		P																				P					3-3.4.I
Sanitary Landfill, Commercial																						P					3-3.4.I Error! Reference source not found.
Solid Waste Disposal Site and Facility		P																									3-3.4.I
Injection Well, Commercial																						SR				3-3.4.J	
Accessory Uses/Structures																											
Building and use customarily appurtenant to the permitted use		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Per Approved General, Specific, Preliminary or Final Development Plan	A	
Residence required for caretaker or night watchman employed by the premises																			A	A	A						
Temporary Uses/Structures																											
Temporary residential sales office (Model Homes)							T	T	T	T	T	T	I	I	I	I									T	3-3.13.E	
Fireworks stands																	T	T	T	T	T	T				3-3.13.H	
Christmas tree lots																	T	T	T	T	T	T				3-3.13.I	
Storage containers/pods		T	T	T	T	T	T	T	T	T	T	T	T	I	I	I	T	T	T	T	T	T			T	3-3.13.K	

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 ^[1]														Non-Residential ^[1]						PUD Districts ^[2]		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	R	MF	MU	B-1	B-3	B-4	B-5	I-1	I-2	F ^[3]	O	PUD	SBC-O	Code Section
NOTES:																												
[1] Overlay District Regulations may apply: Airport Influence Area (AIA), Centennial Airport Environs Planning Area (CAEPA) and/or Mineral Resource and Geologic Hazard Areas. See Sections 2-5.1, 2-5.2, and 2-5.4.																												
[2] Prior to April 1, 2017, 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.																												
[3] 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.																												
[4] May include stacked multi-family units, including second-story multi-family units above office and retail uses.																												
[5] Provided that no permanent structure or shelter is located within the floodplain.																												
[6] Includes truck, farm equipment and implement sales/service and repair, including indoor auto and truck bodywork and painting.																												
[7] May include equipment yards and company vehicle storage.																												
[8] Indoor uses are limited to 10% of site.																												
[9] Underground utilities are permitted so long as adequate cover exists to protect the utilities.																												
[10] <u>Factory-built structures defined in CRS24-32-3302(11) must meet standards for site-built homes, including setbacks and permanent foundation requirements.</u>																												

NOTES:

- [1] Overlay District Regulations may apply: Airport Influence Area (AIA), Centennial Airport Environs Planning Area (CAEPA) and/or Mineral Resource and Geologic Hazard Areas. See Sections 2-5.1, 2-5.2, and 2-5.4.
- [2] Prior to April 1, 2017, 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.
- [3] 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.
- [4] May include stacked multi-family units, including second-story multi-family units above office and retail uses.
- [5] Provided that no permanent structure or shelter is located within the floodplain.
- [6] Includes truck, farm equipment and implement sales/service and repair, including indoor auto and truck bodywork and painting.
- [7] May include equipment yards and company vehicle storage.
- [8] Indoor uses are limited to 10% of site.
- [9] Underground utilities are permitted so long as adequate cover exists to protect the utilities.
- [10] Factory-built structures defined in CRS24-32-3302(11) must meet standards for site-built homes, including setbacks and permanent foundation requirements.

3-3 USE-SPECIFIC STANDARDS

3-3.1 Agricultural Uses

A. AGRICULTURAL ANIMALS

1. Agricultural animals are permitted only in the A-E, A-1, RR-A, and RR-B 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 (see definitions chapter for 'agricultural animal, small, non-commercial').
3. Agricultural animals are permitted in PUD zone districts with minimum lot sizes similar to the districts listed in 3-3.1.A.1, provided that the PUD zoning does not prohibit agricultural animals. For PUD zone districts with minimum lot sizes similar to RR-B, 3-3.1.A.2 shall apply.

B. ANIMAL FACILITIES

1. Animal hospitals and veterinary clinics and animal day care facilities in the B-1 and B-3 zone districts are not allowed to have outdoor kennels.
2. Animal feed yards, commercial animal sales yards, commercial riding academies and public stables shall:
 - a. Not be located closer than 200 feet from any property line,
 - b. Provide automobile and truck ingress and egress,
 - c. Provide parking and loading spaces so designed as to minimize traffic congestion, and
 - d. Control odor, dust, noise or drainage so as to not constitute a nuisance or hazard to adjoining properties.
3. Stables 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.

C. COMMERCIAL FEED LOT

In the A-E zone district commercial feed lots must be setback 200 feet from all property lines.

D. CULTIVATION OF CROPS

1. 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.
2. In the FLP-O 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).

E. GREENHOUSE

A greenhouse is permitted as an accessory use in the RR-A and RR-B zone districts provided the products grown are for consumption by residents only.

F. BIOSOLIDS, LAND APPLICATION

1. The land application of biosolids for agricultural use within the unincorporated territory of Arapahoe County is permitted in accordance with a current and valid permit issued by the Colorado Department of Public Health and Environment, Division of Water Quality in accordance with Regulation No. 64, Biosolids Regulations, 5 CCR § 1002-64.
2. The land application of septage or sewage is prohibited in all zone districts in the unincorporated territory of Arapahoe County.

G. STORAGE CONTAINERS IN THE A-E, A-1, AND RR-A ZONE DISTRICTS SHALL MEET THE FOLLOWING STANDARDS:

A greenhouse is permitted as an accessory use in the RR-A and RR-B zone districts provided the products grown are for consumption by residents only.

1. Shall meet the accessory structure setbacks of the underlying zone district.
2. Shall not include signage or written messages.
3. Shall not be connected to any building operating systems such as plumbing, electrical, mechanical.
4. Shall not be modified, including stacking, combining, connected or cutting open for additional entrances or other connection purpose.
5. The number of allowable storage containers is limited to:
 - a. One storage container on parcels smaller than 19 acres in area;
 - b. Two storage containers on parcels between 19 and 35 acres in area;
 - c. Three storage containers-on parcels larger than 35 acres in area.
6. Conversion of a storage container for any occupancy or habitation, or otherwise to supply power, water or other utility, is prohibited unless permitted in accordance with the Arapahoe County Building Code and otherwise in compliance with all the requirements of this Land Development Code.

3-3.2 Residential Uses

A. GROUP HOMES

1. Intent

- a. To acknowledge the role of the group home as a means of providing certain individuals the opportunity to live in normal residential surroundings.
- b. To designate the different types of group homes and to ensure that, to the extent possible under federal and state regulations, group homes comply with the Administrative Provisions of this document.

2. General Provisions: Type A Group Home

- a. As every residential use does, so must the group home accomplish the following:
 - i. CONFORM TO THE PROVISIONS OF THE GOVERNING ZONE DISTRICT.
 - ii. DEMONSTRATE ARCHITECTURAL CONSISTENCE AND COMPATIBILITY WITH SURROUNDING DEVELOPMENT.
 - iii. COMPLY WITH ANY AND ALL APPLICABLE FEDERAL, STATE AND COUNTY RULES, REGULATIONS AND/OR REQUIREMENTS PERTAINING TO THE SPECIFIC USE.
- b. Group homes may not contain more than eight resident individuals.
- c. 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.
- d. In the MU zone district, Type A Group Homes shall be a principal permitted use when residential uses are a part of the MU-PUD.

3. General Provisions: Type B Group Homes

- 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 group home must comply with any and all applicable federal, state and county rules, regulations and/or requirements pertaining to the specific use.

B. MIX OF USES AND DWELLING UNIT TYPES

1. R-PSF Zone District: Any combination of single-family detached and single-family attached dwelling unit is permitted
2. R-PM and R-PH Zone District: Any combination of single-family detached, single-family attached and multi-family dwelling unit is permitted.
3. MU Zone District: Any combination of commercial, industrial, or residential uses permitted by an approved Preliminary Development Plan.

C. MANUFACTURED/MOBILE HOME PARKS OR SUBDIVISIONS

1. Manufactured/mobile home parks or subdivisions shall abut or have access to streets and highways no less than 60 feet wide.
2. The manufactured home, or mobile home, park or subdivision shall be so arranged that all residences have direct access to an interior roadway.
3. Approved landscaping shall not interfere with the transporting of a mobile home unit.
4. 10 foot setbacks shall be provided along the front, side and rear perimeter of the park to be used for no other purpose than landscaping, and shall be so designated on the Preliminary Development Plan.
5. In each manufactured/mobile home park there shall be provided the following areas:
 - a. Adequate laundry facilities for residents.
 - b. A recreation area for the residents.
6. Garbage and trash containers, rodent and insect control features, and water and sewer provisions must meet with the approval of the Arapahoe County Board of Health and/or the State Health Department.

D. ACCESSORY DWELLING UNIT

1. **Intent**
The intent of the Accessory Dwelling Unit regulations is to:

- a. Facilitate the creation of attainable and affordable rental housing within the county;
- b. Promote the efficient use of land;
- c. Ensure the adequacy of infrastructure required to support accessory dwelling units; and,
- d. Preserve the general character of established agricultural and residential areas in unincorporated Arapahoe County.

2. Generally

- a. Except as otherwise provided in this Section, accessory dwelling units (ADUs) shall conform to the dimensional standards of the governing zoning district.
- b. An ADU shall be under the same ownership as the principal dwelling unit.
- c. An ADU shall not be sold independently of the principal dwelling on the parcel.
- d. An ADU shall not be allowed on a lot or parcel unless the principal single-family dwelling unit is being used as such.
- e. An ADU is considered an accessory use and shall not be included in any density calculations.
- f. An ADU shall meet applicable building code and fire code requirements. The application of these codes may render some properties ineligible for an ADU.
- g. An ADU shall not be used or occupied short-term which is considered to be for periods of fewer than 30 consecutive days.

3. Where Permitted

- a. ADUs shall be allowed in conjunction with single-family detached dwellings in agricultural and residential zoning districts according to Table 3-2.1, Permitted Use Table, and in R-2, R-3, R-3S, R-4, R-5, and MU zoning districts.
- b. ADUs shall be allowed in planned unit developments except where they are listed as a prohibited use.
- c. Where there is conflict between regulations of a planned unit development and the standards of this Section, the planned unit development standards shall take precedence.

4. Definitions

For purposes of this Section, the following terms shall be defined as follows:

- a. Attached ADU. An ADU that is located within the principal dwelling such as in a finished basement or attic, in an attached addition, or in an attached garage, but the occupants do not live together as a single household. An Attached ADU and the principal dwelling are considered separate dwelling units for the purposes of any applicable Building Code requirements for the construction or use.
- b. Detached ADU. An ADU that is detached from the principal dwelling typically at ground level or above a detached garage or carport, or other similar structure. A Detached ADU is considered a separate dwelling unit for the purposes of any applicable Building Code requirements for the construction or use.
- c. Principal Dwelling. The primary home located on an individual lot or parcel designed or intended for occupancy as a residence by one family.
- d. Owner Occupancy. A principal dwelling or accessory dwelling unit that is the principal residence of at least one owner of record of the lot or parcel upon which the dwelling unit or accessory dwelling unit is located, who possesses at least an estate for life, or a 50 percent fee simple ownership interest, or is the trustor of a revocable living trust, or is the member that owns at least 50 percent of a limited liability company, or is the partner that owns at least 50 percent of a partnership or limited liability partnership, or similar entity.

5. Number

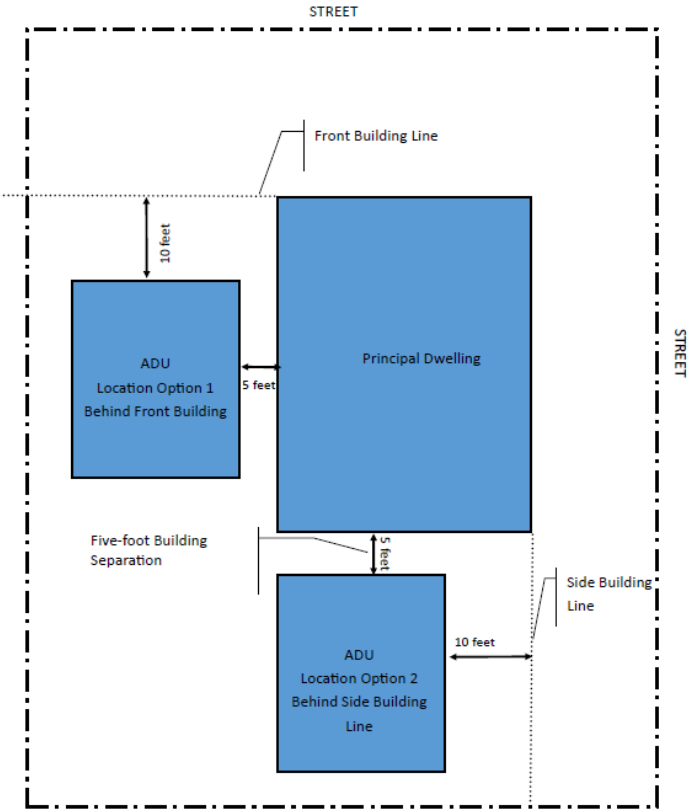
Only one ADU is allowed on any lot or parcel.

6. Parking

- a. One off-street parking space shall be required for the ADU in addition to the off-street parking required for the principal dwelling unit in accordance with Table 4-1.2.1, Off-Street Parking Requirements By Land Use.
- b. The required ADU parking space may be in tandem with other required spaces.
- c. Off-street parking shall comply with the requirements of Section 4-1.2, Parking, Loading and Drive-Through.

7. Location

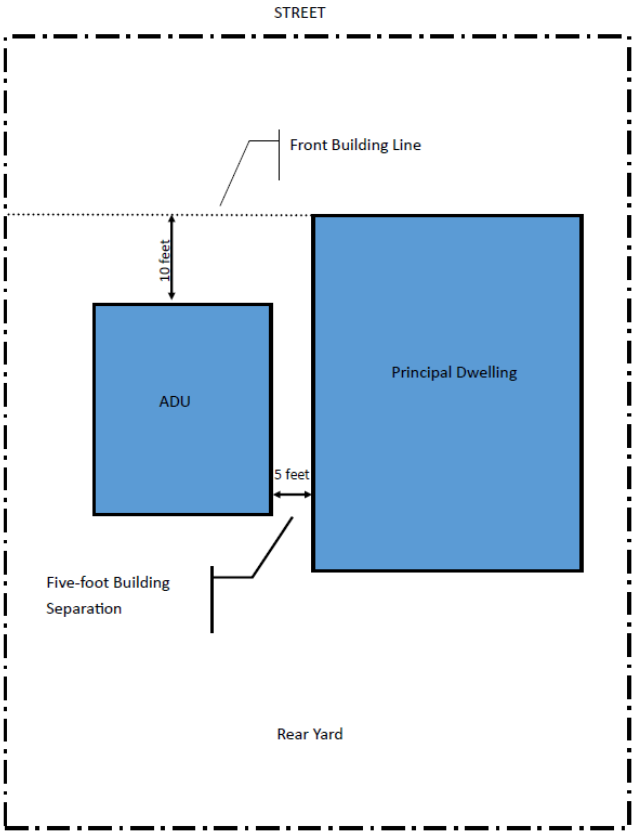
- a. An ADU shall be located on the same lot or parcel as the principal dwelling.
- b. An ADU shall not be located in a recorded easement, over any known utility, or in a location that unreasonably restricts access to such utility.
- c. On a corner lot, a Detached ADU shall be located a minimum of ten feet behind the front or side building line of the principal dwelling along both street frontages.



Location Illustration

8. Setback

- a. An Attached ADU shall comply with the minimum setback requirements of a Principal Structure as shown in Table 4-1.1, Agricultural and Residential District Dimensional Standards; in the Minimum Area, Lot Width and Yard requirements if located within the R-2, R-3, R-3S, R-4, or R-5 zoning district; or as required by the approved Preliminary Development Plan or planned unit development.
- b. Except as provided in paragraphs c and d below, a Detached ADU shall:
 - i. COMPLY WITH THE MINIMUM SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES OR USES AS SHOWN IN TABLE 4-1.1, AGRICULTURAL AND RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS; THE ACCESSORY STRUCTURE MINIMUM AREA, LOT WIDTH AND YARD REQUIREMENTS IF LOCATED WITHIN THE R-2, R-3, R-3S, R-4, OR R-5 ZONING DISTRICTS; OR AS REQUIRED BY THE APPROVED PRELIMINARY DEVELOPMENT PLAN OR PLANNED UNIT DEVELOPMENT; AND
 - ii. BE SUBORDINATE TO THE PRINCIPAL DWELLING AND, IN ADDITION TO MEETING OTHER SETBACK REQUIREMENTS, BE LOCATED A MINIMUM OF TEN FEET BEHIND THE FRONT BUILDING LINE OF THE PRINCIPAL DWELLING; AND



Subordinate Dwelling & Setbacks Illustration

- iii. MAINTAIN A MINIMUM FIVE-FOOT SEPARATION FROM THE PRINCIPAL DWELLING.
- c. The limitations of subparagraph b.ii above shall not apply to an ADU that is located within a legally nonconforming, existing accessory structure where the ADU does not increase the existing building footprint.
- d. The limitations of subparagraph b.ii above shall not apply to an ADU that is located on a legally created or platted lot or parcel of 19 or more acres in which case said ADU shall be subject to the minimum setback requirements of a Principal Structure as shown in Table 4-1.1, Agricultural and Residential District Dimensional Standards.

9. Unit Size and Configuration

- a. An Attached ADU shall be no more than 50 percent of the size of the principal dwelling. For purposes of this paragraph, square footage shall be measured by dividing the proposed ADU area measured in square feet by the area of the principal dwelling unit measured in square feet and converted to a percentage. For example, if a principal dwelling has a 1,000-square-foot basement, an ADU could be established in this space if the remainder of the principal dwelling is at least 1,000 square feet ($1000 \div 2000 \times 100 = 50\%$).
- b. A Detached ADU shall not be less than 400 square feet.
- c. Except as provided for in paragraph 9.e below, a Detached ADU shall not exceed the smaller of:
 - i. FORTY PERCENT OF THE SQUARE FOOTAGE OF THE PRINCIPAL DWELLING; OR
 - ii. WITHIN THE LOT SIZE AND FLOOR AREA RANGES SET OUT IN TABLE 3-3.2, MAXIMUM SQUARE FOOTAGE OF A DETACHED ACCESSORY DWELLING UNIT:

Table 3-3.2.1: Maximum Square Footage of a Detached Accessory Dwelling Unit	
Lot Size	Maximum ADU Square Footage
5,000 square feet (sf) and up to 6,999 sf	600 square feet (sf)
7,000 sf and up to 12,499 sf	850 sf
12,500 sf and up to 39,999 sf	1,000 sf
40,000 sf and up to 18.999 acres	1,200 sf

- d. ADUs shall be designed and configured as studio/efficiency, one-bedroom, or two-bedroom units.
- e. The limitations of paragraphs c and d above shall not apply to ADUs that are located on legally created or platted lots or parcels of 19 or more acres.
- f. For purposes of this paragraph 9, square footage calculations shall not include unenclosed porches, crawl spaces, utility areas, unfinished garages, or other similar non-habitable spaces.

10. Lot Coverage

In addition to the maximum unit size as provided for in paragraph 9.c above, Detached ADUs shall comply with the total maximum building coverage requirements of the applicable zoning district.

11. Building Height

- a. The maximum building height of an Attached ADU shall be no greater than that which is allowed for a principal dwelling within the applicable zoning district.
- b. Except as provided for in paragraph 11.c and 11.d below, the maximum building height of a Detached ADU shall not exceed 22 feet.
- c. The limitations of paragraph 11.b above shall not apply to ADUs that are located on legally created or platted lots or parcels of 19 or more acres.
- d. The limitations of paragraph 11.b above shall not apply to ADUs located within a legally nonconforming detached structure provided that the ADU meets all other applicable requirements contained in this Section such as but not exclusive of unit size and configuration, setback, and outdoor areas.

12. Design

- a. The following standards apply to all Detached ADUs and those Attached ADUs that are constructed as an addition to the principal dwelling.
- i. AN ADU SHALL BE DESIGNED SUCH THAT IT IS AESTHETICALLY CONSISTENT WITH THE PRINCIPAL DWELLING IN AT LEAST FOUR OF THE FOLLOWING:
 - (a) Roof pitch and form;
 - (b) Soffit and fascia style;
 - (c) Exterior wall cladding style and material;
 - (d) Window style, trim, and orientation;
 - (e) Exterior door style;
 - (f) Architectural features such as but not exclusive of, building recessions or projections, dormers, balconies, porches, columns, and prominent entry features; or
 - (g) Color palette.
- ii. WINDOWS, OUTDOOR SPACES, ENTRANCES, AND LIGHTING FACING A SINGLE-FAMILY DETACHED DWELLING ON AN ADJACENT PROPERTY SHALL BE DESIGNED AND CONFIGURED TO RESPOND TO THE PRIVACY OF THE PROPOSED DESIGN, AND WITH CONSIDERATION TO THE ADJACENT DWELLING UNIT TO THE EXTENT PRACTICABLE.
- iii. IF THE ENTRANCE TO THE ADU IS VISIBLE FROM AN ADJACENT RIGHT-OF-WAY IT SHALL BE CLEARLY SUBORDINATE TO THE ENTRANCE OF THE PRINCIPAL DWELLING.
- iv. AN ADU SHALL BE CONSTRUCTED ON A PERMANENT FOUNDATION.
- v. ALL EXTERIOR LIGHTING SHALL COMPLY WITH SECTION 4-1.4, LIGHTING.
- b. Mobile homes, campers, recreational vehicles, camper busses, shipping containers, storage containers, and other such temporary structures shall be prohibited for use as an ADU.

13. Outdoor Areas

Access to outdoor space and landscaping must be provided for use by the occupants of both the ADU and the principal dwelling.

14. Utilities

- a. Generally. All ADUs must comply with the design requirements of utility service providers to the principal dwelling.
- b. Water and Wastewater.
 - i. PUBLIC WATER AND WASTEWATER SYSTEMS. IF THE PRINCIPAL DWELLING IS SERVED BY A PUBLIC WATER OR WASTEWATER SYSTEM, AT THE TIME OF BUILDING PERMIT APPLICATION THE OWNER SHALL PROVIDE EVIDENCE OF APPROVAL FROM THE WATER OR WASTEWATER DISTRICT OR COMPANY FOR BOTH THE PRINCIPAL DWELLING AND THE ADU.
 - ii. PRIVATE WELL. IF THE PRINCIPAL DWELLING IS SERVED BY A PRIVATE WELL, THE OWNER SHALL PROVIDE EVIDENCE OF APPROVAL FROM THE COLORADO DIVISION OF WATER RESOURCES AND ANY APPLICABLE WATER DISTRICT FOR BOTH THE PRINCIPAL DWELLING AND THE ADU.
 - iii. PRIVATE WASTEWATER SYSTEM. IF THE PRINCIPAL DWELLING IS SERVED BY AN ON-SITE WASTEWATER SYSTEM (OWTS OR “SEPTIC SYSTEM”), THE OWNER SHALL PROVIDE EVIDENCE OF APPROVAL FROM THE ARAPAHOE COUNTY PUBLIC HEALTH DEPARTMENT, FOR BOTH THE PRINCIPAL DWELLING AND THE ADU.

15. Home Occupations

- a. Home occupations as allowed under Chapter 3, Section 3-3.11 are permitted in an ADU subject to the additional following requirements:
 - i. THE HOME OCCUPATION MUST BE CONDUCTED ENTIRELY WITHIN THE ADU;
 - ii. THE HOME OCCUPATION SHALL BE CONDUCTED ONLY BY THE RESIDENT OF THE ADU AND THE RESIDENT MAY NOT PERMIT EMPLOYEES TO WORK FROM THE ADU;
 - iii. THERE SHALL BE NO CLIENT OR CUSTOMER VISITS ASSOCIATED WITH THE HOME OCCUPATION; AND
 - iv. SALES CONDUCTED IN CONJUNCTION WITH THE HOME OCCUPATION SHALL BE PRIMARILY BY TELEPHONE, INTERNET, OR DIRECT MAIL.

16. Pets

The restriction on the number of pets allowed under this Code shall be per lot or parcel, irrespective of the number of dwelling units on the lot or parcel.

17. Homeowner Associations, Covenants, Conditions, and Restrictions

It is the responsibility of the property owner of record to ensure compliance with any private homeowner association requirements, covenants, conditions, and restrictions for the ADU. The County will not independently verify such compliance.

18. Owner Occupancy

- a. The property owner of record, as reflected in the Arapahoe County land title records and evidenced by voter registration, vehicle registration, or other similar means, must reside in either the principal dwelling or the ADU.
- b. The Planning Division Manager or designee may waive this requirement for temporary absences of less than one year provided that the owner has maintained the permitted use for a minimum of two years and submits proof, satisfactory to the Planning Division Manager or designee, of the temporary absence.

19. Deed Restriction

- a. Before obtaining a certificate of occupancy for an ADU, the property owner of record shall record a deed restriction on the lot or parcel proposed for an ADU with the Arapahoe County Clerk and Recorder, in a form acceptable to the Director of Public Works and Development and/or the County Attorney, that imposes the following restrictions on the lot or parcel:
 - i. THE ADU SHALL NOT BE SOLD SEPARATELY FROM THE PRINCIPAL DWELLING, NOR SHALL THE LOT OR PARCEL ON WHICH IT IS LOCATED BE SUBDIVIDED UNLESS SUCH SUBDIVISION IS REVIEWED AND APPROVED IN CONFORMANCE WITH PROVISIONS OF THIS CODE;
 - ii. THE ADU SHALL BE RESTRICTED TO THE APPROVED SIZE;
 - iii. THE ADU SHALL ONLY BE USED IN STRICT COMPLIANCE WITH ALL REQUIREMENTS OF THIS CODE;
 - iv. THE CERTIFICATE OF OCCUPANCY FOR THE ADU SHALL BE IN EFFECT ONLY SO LONG AS THE PROPERTY OWNER OF RECORD RESIDES IN EITHER THE PRINCIPAL DWELLING OR THE ADU, SUBJECT TO ANY TEMPORARY WAIVER GRANTED PURSUANT TO PARAGRAPH 18.B ABOVE;
 - v. THE DEED RESTRICTIONS ARE BINDING UPON ANY SUCCESSOR IN OWNERSHIP OF THE PROPERTY; AND
 - vi. THE DEED RESTRICTIONS SHALL LAPSE UPON REMOVAL OF THE ADU AND UPON WRITTEN REQUEST BY THE PROPERTY OWNER. THE DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT AND/OR THE COUNTY ATTORNEY SHALL RECORD APPROPRIATE DOCUMENTATION RELEASING SUCH ENCUMBRANCE.

20. Existing Development on Lot or Parcel

A single-family detached dwelling must exist on the lot or parcel as a principal dwelling or be constructed concurrently with an ADU. A certificate of occupancy will only be issued for an ADU after it has been issued for the principal single-family detached dwelling.

21. Process

Compliance with these ADU regulations will be reviewed at the time of building permit application.

E. PETS

1. A maximum combination of three pets per dwelling unit is allowed in the RR-C, R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, R-2-B, PUD-zoned residential areas, and R-M zone districts.
2. A maximum combination of three pets per dwelling unit is allowed in any residential use or property with a density greater than one unit per 2.41 acres.
3. A maximum of four pets per dwelling unit is allowed in the A-1, RR-A, and RR-B zone districts.
4. In the A-E zone district, there is no limit on the number of pets.

F. RANCH HAND/AGRICULTURAL WORKER HOUSING

1. In addition to an Accessory Dwelling Unit allowed under Section 3-3.2.D above and subject to Table 3-2.1, Permitted Use Table, a property owner may request to build Ranch Hand/Agricultural Worker Housing thru the Special Exception Use procedures.
2. The Ranch Hand/Agricultural Worker Housing may be occupied by persons employed at the principal permitted use only.

G. PRINCIPAL USES/STRUCTURES PER LOT

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.

H. SENIOR HOUSING

1. Location

Senior housing should be accessible to:

- a. Established public transportation routes.
- b. Existing or proposed shopping areas.
- c. Public or private recreational amenities.
- d. Other residential areas to minimize senior citizen isolation.
- e. Situated to minimize traffic and emergency vehicle access impacts to surrounding neighborhoods.
- f. Medical facilities.

2. Development Plan Notes

A note shall be placed on the 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 which are advertised for 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 270-day period shall apply to that unit.

3. Non-Profit Senior Housing

In the event the senior housing project is non-profit and/or non-profit subsidized, the following may apply:

- a. Restrictions regarding age requirements shall be effective as long as bond financing instruments are outstanding but in no case less than 10 years from the date of the initial Certificate of Occupancy being issued.
- b. The County may waive the normal County fee relating to the issuance of industrial revenue bonds which are issued by the County.
- c. The County may waive the developer's obligation to provide required public improvements on a case-by-case basis.
- d. The County may waive land dedication and/or cash-in-lieu of land dedication requirements on a case-by-case basis.

I. BACKYARD BEES AND CHICKENS

1. Intent

- a. To allow for the keeping of bees and chickens on residential, single family detached properties and uses within any zone district, including all PUD zoning that allows single-family uses. A-E, A-1, RR-A, and RR-B zone districts are not affected by these regulations. Backyard chickens and bees are not considered agricultural for purposes of agricultural affidavits. HOA covenants and guidelines may supersede these regulations.

2. Backyard Bees Requirements and Restrictions

- a. 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	

- b. 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.
- c. The commercial sale of honey on the property is prohibited.

3. 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 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.

J. Transitional Housing

1. Transitional housing may cover housing costs and accompanying supportive services for program participants for up to 24 months. Participants must have a signed lease, sublease, or occupancy agreement with an initial term of at least one month, automatically renewable upon expiration, except by prior notice by either party, and a maximum term of 24 months.

K. Affordable Housing

1. Affordable housing includes any development project that includes affordable units that utilize federal low-income housing tax credits (LIHTC), pursuant to Section 42 of the Internal Revenue Code, or County incentives per a written agreement, which have a recorded deed restriction, even if not all residential units are classified as affordable. Affordable housing is a permitted use in any zone district that allows household living uses as referenced in the permitted use table. Affordable housing is subject to the standards applicable to the specific of the residential use type.

2. To be eligible for the development incentives, a residential or mixed-use development must provide at least ten 10 percent of the total units in a development application as either affordable rental housing or affordable owner housing.
3. To be eligible for incentives in a given tier must meet the following minimum duration for affordable housing
4. Development incentives, in the form of deviations from the regulations applicable to Administrative Site Plans, are set forth and limited by Table 3-3.2.2, **may** be approved administratively by the Planning Division Manager, **up to the maximum extent allowed as set forth in Table 3-3.2.2.** based on the percentage of affordable housing units and the duration of the affordability restriction. **In considering the extent of allowable development incentives, the Planning Division Manager shall balance the following factors:**
 - a. The total number of affordable housing units to be created;
 - b. The significance of the various incentives to the development;
 - c. The incentive's impact on achieving the goals of the County;
 - d. The role of the incentive in the development funding;
 - e. The timeline of the development; and
 - f. The overall proposed design and finish of the development.

Table 3-3.2.2: Affordable Housing Development Incentives			
	<u>Tier One</u>	<u>Tier Two</u>	<u>Tier Three</u>
<u>Description</u>	<u>A minimum of 10% of the units are affordable units</u>	<u>A minimum of 25% of total units are affordable units</u>	<u>A minimum of 50% of total units are affordable units</u>
<u>Required Minimum Duration of Restriction for Affordable Units to Qualify for Incentive</u>	<u>10 years</u>	<u>15 years</u>	<u>20 years</u>
<u>Density Bonus</u>	<u>10% above the maximum residential density allowed in the zone district</u>	<u>25% above the maximum residential density allowed in the zone district</u>	<u>50% above the maximum residential density allowed in the zone district</u>
<u>Increased Height</u>	<u>1 story not to exceed 15 feet</u>	<u>2 stories not to exceed 30 feet (the overall building height shall not exceed 75 feet)</u>	<u>2 stories not to exceed 30 feet (the overall building height shall not exceed 75 feet)</u>
<u>Reduced Setbacks</u>	<u>No reductions</u>	<u>Setbacks may be reduced by up to 50% of the zone district.¹</u>	<u>Setbacks may be reduced by up to 50% of the zone district.¹</u>

<u>Reduced On-site Unobstructed Open Space</u>	<u>No reduction</u>	<u>On-site unobstructed open space may be reduced by up to 10% for affordable units</u> <u>An additional reduction of 50% may be approved if the site is located within 1/2 mi of a public park or open space.</u>	<u>On-site unobstructed open space may be reduced by up to 10% for affordable units</u> <u>An additional reduction of 50% may be approved if the site is located within 1/2 mi of a public park or open space.</u>
<u>Public Land Dedication for Public Parks (not schools or other public purposes)</u>	<u>No reduction</u>	<u>No reduction</u>	<u>Dedication of land or cash-in-lieu is waived for affordable units (dedication of land or cash-in-lieu will be required for all other units in the development).</u>
<u>Expedited Process</u>	<u>All developments with affordable housing qualify for the two-step Planned Unit Development process</u>	<u>All developments with affordable housing qualify for the two-step Planned Unit Development process</u>	<u>All developments with affordable housing qualify for the two-step Planned Unit Development process</u> <u>Neighborhood meeting requirements are waived for projects with a minimum of 50% affordable units</u>
<u>Reduced Fees</u>	<u>Planning and Engineering Review Fees shall be reduced by a percentage equal to the percentage of affordable units provided in the development</u>	<u>Planning and Engineering Review Fees shall be reduced by a percentage equal to the percentage of affordable units provided in the development</u>	<u>Planning and Engineering Review Fees shall be waived for developments with 50% or more of the units are affordable units</u>
<u>Reduced Land Use Application Review Timeline</u>	<u>No reduction</u>	<u>1st Review: 20 business days</u> <u>Applicants must attend a comment review meeting with staff prior to resubmitting</u> <u>2nd Review: 10 business days</u> <u>3rd and all other additional reviews: 5 business days</u>	<u>1st Review: 20 business days</u> <u>Applicants must attend a comment review meeting with staff prior to resubmitting</u> <u>2nd Review: 10 business days</u> <u>3rd and all other additional reviews: 5 business days</u>

<u>Reduced Building Permit Review Timeline</u>	<u>No reduction</u>	<u>Applicant/developer may submit building permit after second round of staff comment for Planning and Engineering review at staff's discretion</u>	<u>Applicant/developer may submit building permit after second round of staff comment for Planning and Engineering review at staff's discretion</u>
<u>Expedited Building Permit Review</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Reduced Building Fee</u>	<u>10% reduction</u>	<u>25% reduction</u>	<u>50% reduction</u>
<u>Landscape</u>	-	-	
<u>Tree Preservation 4-1.3</u>	<u>No reduction</u>	<u>Waive tree preservation requirements</u>	<u>Waive tree preservation requirements</u>
<u>Landscaping and Screening 4-1.4</u>	<u>No reduction</u>	<u>New development or redevelopment regulations do not apply to 100% affordable and/or attainable housing developments.</u>	<u>New development or redevelopment regulations do not apply to 100% affordable and/or attainable housing developments.</u>
<u>Landscaping Design Standards and Guidelines 4-1.4 E. b. All development sites, excluding single-family detached, shall feature consistently landscaped areas along front, sides, and rear property line.</u>	<u>No reduction</u>	<u>Remove side landscaping requirement</u>	<u>Remove side landscaping requirement</u>
<u>1. 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 applicable third-party codes;</u>			

5. Required Filings for Developments including Affordable Units. For properties receiving development incentives no building permits will be provided unless the following documents are filed with the Arapahoe County Clerk and Recorder's Office.

- a. Covenant Restrictions. Residential developments which provide affordable units shall carry be deed restrictions, subject to restrictive covenants, or other forms of affordability restrictions, each in a form acceptable to the Planning Division. All deed restrictions, restrictive covenants, or other forms of affordability restrictions shall be recorded in the real property records of Arapahoe County Clerk and Recorder's Office.
- b. Affordable Housing Plan. Residential developments which provide affordable units shall record an affordable housing plan that shall include the following information:
 - i. The total number of affordable units being provided and what percentage such units represent within the overall development.
 - ii. The type of affordable units being provided (i.e. for-sale or rental).
 - iii. The type of residential product being provided and number of units per foundation (i.e. single-family, townhome, multi-family).
 - iv. The approximate size of the units, number of bedrooms, and estimated market price or rent for each unit.
 - v. A summary of the ownership covenants or rental covenants being placed on each affordable unit, including the length of the deed restriction.
 - vi. Identification of the specific units or lots being restricted as affordable units; or in a phased development a summary of the process to be used for identifying the specific units or lots to be restricted as affordable prior to the issuance of the first building permit within any given phase of development.
 - vii. The process for determining eligible home buyers or rents and an outline of how the affordable housing program will be administered.
 - viii. A requirement to submit to Community Resources on an annual basis a summary of the number of affordable units sold in the preceding twelve (12) months and the sale price of each affordable unit sold.
- c. Design Standards and Access. All Affordable Units should be comparable to the other market rate units within the development and should be integrated throughout the overall project. The Affordable Units should have equal access as market rate units to all amenities within the development, including but not limited to common areas, indoor and outdoor facilities for convenience or recreation, and parking facilities.
- d. Timing of Construction. The construction of affordable units in any development shall be timed such that the units shall be constructed and pass final inspection concurrently or prior to the market-rate units in that development.
- e. Timing of Marketing. On-site affordable dwelling units shall be marketed concurrently with or prior to the market-rate dwelling units in that development.

6. Violation and Penalty

- a. In the event the County becomes aware of an alleged violation of these regulations and/or the MOA, the County shall send notice of such alleged violation to the Owner detailing the nature thereof and allowing the Owner thirty (30) days to cure such default or request a hearing before the Board of County Commissioners. If no hearing is requested and the violation is not cured within thirty (30) days, the Owner shall be considered in violation of these regulations and/or MOA. If a hearing is held before the Board of County Commissioners, the decision of the Board of County Commissioners based on the record of such hearing shall be final for the purpose of determining if a violation has occurred.

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.a. 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 ^[3]	
	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	<u>R-MF</u>		
	Lot Standards (Minimum)														
	Lot Size														
Single-family	35 ac	19 ac	9 ac	2.41 ac ^[1]	1.61 ac ^[2]	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 ^[4]	3,600 sf ^[4]						
2-family										2,800/du	2,800/du		<u>No Min</u>		
Townhome											2,000/du		<u>No Min</u>		
<u>Multi-Family</u>													<u>No Min</u>		
	Lot Width (feet)														
Single-family	600 ^[12]	330	165	125	110	75	75	60 ^[5]	50 ^[5]	45 ^[5]	40 ^[5]	50		Per Approved Development Plan	
2-family										40	35		<u>20</u>		
Townhome											25		<u>16</u>		
<u>Multi-Family</u>													<u>20</u>		
	Setbacks, Principal Structure or Use (Minimum) (feet)														
Front		100	100	50	50	50	25	25	20 ^{[6], [10]}	20 ^{[6], [10]}	20 ^[6]	Garage: 20 ^[6] Living area: 15 ^[6]	20	<u>20 for suburban or 15 for</u>	Per Approved Development Plan

[illegible]

TABLE 4-1.1 AGRICULTURAL AND RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS														
ac = acres; du = dwelling unit; sf = square feet														
	Agricultural		Rural Residential			Residential							R-MF	PUD ^[3]
	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		
Open Space with direct access to Dwelling (sf)											360 ^[11]			
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.														

TABLE 4-1.3 NON-RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS								
			MU	B-1	B-3	B-4	B-5	I-1
Lot Standards								
Lot Size			All site designs must demonstrate compliance with all site development standards in this LDC & applicable building codes					
Setbacks (Minimum)								
Setback from property lines abutting adjacent residential uses			20 ft.	50 ft.	50 ft.	50 ft.	50 ft.	100 ft.
Setback from property lines abutting adjacent public right-of-way			5 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			5 ft.	10 ft.	10 ft.	10 ft.	25 ft.	
Setback from property lines abutting commercial business or industrial zones or uses			10 ft.	10 ft.	10 ft.	25 ft.	10 ft.	50 ft.
Setback from interior property lines for multiple parcels managed as a single development			N/A	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.

TABLE 4-1.3 NON-RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS								
	<u>MU</u>	B-1	B-3	B-4	B-5	I-1	I-2	
Building Standards (Maximum)								
Building Height, including mechanical appurtenances	<u>75 ft.</u>	35 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	
Unobstructed Open Space (Minimum)								
Single story structure	<u>20%</u>	20%	20%	20%	20%	20%	20%	
Each additional story		For each additional story, an additional 5% up to a maximum of 35%						
Minimum Density	<u>35 DU/AC</u>	<u>N/A</u>						

4-1.2 Parking, Loading and Drive-Through

A. INTENT

All development proposals within unincorporated Arapahoe County shall make provisions for adequate off-street parking as an accessory use. Off-street parking areas shall provide adequate space for access, parking, vehicle and pedestrian circulation, and loading and unloading. They shall be safe, efficient, and attractive, and be designed in accordance with the following guidelines.

B. GENERAL PROVISIONS

1. Use Not Specified

In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a similar use shall apply. In the case of any discrepancies, the decision of the Planning Division Manager shall apply.

2. Parking Space Calculation

In calculating the required number of parking spaces, any fraction of a space shall equal one space.

3. Parking Reduction Request

As part of a land use application, the 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. Private Streets

Private Roadways with parking restrictions also follow Table 4-1.2.1. See Section 4.2 for additional parking requirements.

C. OFF-STREET PARKING REQUIREMENTS

1. Minimum Off-Street Parking Requirements

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.

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS BY LAND USE	
USE	PARKING STANDARD
Auditorium Or Similar Place Of Public Assembly	1 space per three fixed seats or 1 space per 100 square feet of floor area, whichever is greater
Bank/Credit Union/Savings & Loan	4 spaces per 1000 square feet of floor area, plus 6 stacking spaces per drive-up window
Bar/Lounge/Night Club, or Similar Place of Assembly	1 space per three seats, plus 1 space per employee on maximum shift
Beauty Parlor/Barber Shop	3 spaces per operator, plus 1 space per employee on maximum shift
Boarding House	1 space per bedroom, plus 1 space per employee on maximum shift
Bowling Alley	3 spaces per lane, plus 1 space per employee
Car Dealership, Recreational Vehicles or Boats Sales	1 space per 1,000 square feet of auto display area, plus 1 space per employee on maximum shift
Car Wash/Detail Shop	1 space per employee on maximum shift, plus 2 spaces per bay or stall
Church (Places Of Worship)	1 space per three fixed seats or 1 space per 100 square feet of floor area, whichever is greater
Day Care/Nursery	1 space per 250 square feet gross floor area
Firing Range (Archery, Skeet, Rifle or Gun)	1 space per platform, plus 1 space per employee on maximum shift
Fraternity/Sorority House	3 spaces per bedroom, plus 1 space per employee on maximum shift
Funeral Home/Mortuary	1 space per 100 square feet of floor area open for public use plus 1 space per 333 square feet of office area
Group Home	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
Gas Station/Repair Garage	1 space per employee on maximum shift, plus 3 spaces per bay or stall
Golf Course	2 spaces per hole, plus 1 space per employee on maximum shift
Miniature Golf/Driving Range	3 space per hole or platform, plus 1 space per employee on maximum shift
Hospital or Similar Health Facility	1 space per two employees, plus 2 spaces for each bed, plus 5 spaces for loading and unloading
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 restaurant, lounge, or conference
Industrial Use: Manufacturing/Processing/Assembly	1 space per 333 square feet of floor area, or 1 space per employee on maximum shift
Industrial Use: Laboratory	1 space per 300 square feet of floor area or

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS BY LAND USE	
USE	PARKING STANDARD
	1 space per employee on maximum shift, whichever is greater
Library/Museum/Gallery	1 space per 300 square feet of floor area
Lumber Yard	1 space per 250 square feet of floor area in main sales building
Mini-Storage Units	1 space per 100 units, plus 1 space per employee
Mobile Home Park	1 2-spaces per mobile home, plus 1 guest parking space per four mobile home spaces
Mobile Home Sales	1 space per 1000 square feet of display area, plus 1 space per employee on maximum shift
Motor Vehicle Repair/Tire Store	1 space per employee on maximum shift, plus 3 spaces per bay or stall
Nursing Home, Assisted Living Residence, or Similar Extended-Care Facility	1 space per two employees, plus 1 space per two beds
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
Post Office or Similar Public Buildings	1 space per 300 square feet of floor area, plus 1 space for each agency-owned vehicle
Recreational Uses (I.E., Swimming Pools, Skating Rinks, Health Clubs, Spas)	1/2 space per person based on UBC occupancy, plus 1 space per spectator seat
Tennis/Racquetball or Other Court Games	2 spaces per court, plus 1 space per employee on maximum shift
Residence	
• Single Family <u>(1)</u>	2 spaces per dwelling unit
• Single Family Attached <u>(1)</u>	2 spaces per dwelling unit, plus 0.25 guest space per unit
• Multi Family Dwelling <u>(1)</u>	No minimum parking requirement. 1.5-spaces per one bedroom-unit, 2-spaces for two and three bedroom-units. 2.5-spaces for four bedroom-units, plus 0.25 guest space per unit
• Residential development on private roads	See Section 4.2 for additional parking requirements
• Accessory Dwelling Unit	1 space in addition to that which is required for the Principal Dwelling. See section 3-3.2.D.
• <u>Affordable Housing (1)</u>	No minimum parking requirement.
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

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS BY LAND USE	
USE	PARKING STANDARD
• 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
Retail or Wholesale (Large items i.e., furniture, appliances etc.)	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
Retail/Service Establishment	1 space per 250 square feet of floor area 6 stacking spaces per drive-up window
Schools - Private and Public	
• 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
• 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
• College/University or Vocational School	1 space per employee plus 1 space per 50 square feet of classroom area
Theater	1 space per three seats, plus 1 space per employee on maximum shift
Utility Facility - Major	To be determined through approval process
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
<u>1. No minimum parking requirements for adaptive re-use for residential purposes or purposes which include at least 50 percent of use for residential purposes within those areas designated and identified in the map maintained by the Colorado Department of Local Affairs as an "Applicable Transit Service Area."</u>	

2. Parking Requirements on Private Roads

- a. All requirements for off-street parking in Table 4-1.2.1, Off Street Parking Requirements by Land Use, apply.
- b. Developments utilizing 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 5.2.
- c. The on-street parking accommodation requirement may be modified through the provision for a Parking Reduction Request in Section 3. All applicable Fire District and PWD Engineering requirements apply to parking requests.

D. PARKING ALTERNATIVES

1. Temporary or Overflow Facilities

Arapahoe 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 principle use.

2. Joint Use

Joint Use facilities are allowed for those sites where it is proven that hours of operation for the various uses are substantially different or staggered, the recommended number and configuration of spaces is met by all uses and facilities, and there is evidence of an agreement for joint use. A joint use parking agreement is required and must detail the terms of the agreement. All involved and affected parties must commit to the fact that the uses will not require the parking spaces at the same time. 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.

3. Mixed Uses

In the case of mixed uses in a single parcel or within a single building, the total number of off-street parking spaces should be the sum of the need of each individual use.

4. Phasing

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. 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 in the gross floor area, number of dwelling units, seating capacity, number of employees, or other unit of measurement specified hereinafter as a means for determining required off-street parking requirements. These changes must be approved by the County in conjunction with the approval of changes made to any applicable Development Plans.

E. PARKING PLAN REQUIREMENTS

See the Development Application Manual for requirements for parking plans.

F. LOCATION OF PARKING AREAS

1. General Location

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. All public parking facilities can function and be located independent of an associated use.

2. Design Requirements for Private Road Guest Parking

- 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.

3. Multi-Family

Unless specifically allowed, 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.

4. Tandem Parking in Multi-Family

Tandem parking spaces in multi-family shall not be counted towards the minimum required on-site parking spaces.

5. Accessible Parking

All parking areas are required to provide accessible spaces in accordance with the American's with Disabilities Act (ADA).

6. Use of Parking Facilities

- a. 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.
- b. 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.
- c. Any parking spaces designated for guest only shall be signed and enforced by the HOA.

7. Compact Car Parking

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.

G. MARKING STANDARDS FOR PARKING SPACES

1. General

All parking spaces shall be marked and maintained on the pavement and any directional markings/signs shall be installed and maintained as required by the approved parking plan.

2. Accessible Parking

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).

H. DESIGN STANDARDS FOR PARKING AREAS

1. Access

Each required off-street parking area shall have adequate access to a public street or other thoroughfare. Alleys, where they are utilized, shall only be used as a secondary means of access to a lot or parcel.

2. Off-Street Loading Areas

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.

3. Usable Parking Spaces

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.

I. DESIGN STANDARDS FOR PARKING SPACES

1. General Provisions

- a. The following tables establish the minimum parking stall space and aisle dimensions for full size automobile spaces.
- b. As a general policy, off-street parking spaces situated at less than a 45-degree angle will not be permitted unless designated as parallel parking spaces.

2. Parking Stall Dimensions

- a. All parking stalls shall be designed to comply with the standards established in Table 4-1.2.2, Full-Size Automobile Parking Stall Dimensions.

TABLE 4-1.2.2 FULL-SIZE 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
Stall Length	20 feet	19 feet	19 feet	18 feet
Aisle Width 2-Way	20 feet	24 feet	24 feet	24 feet
Aisle Width 1-Way	18 feet	18 feet	18 feet	24 feet

- b. Accessible parking spaces shall be provided and designed as established in Table 4-1.2.3, Americans with Disabilities Act Parking Stall Dimensions.

TABLE 4-1.2.3 AMERICANS WITH DISABILITIES ACT PARKING STALL DIMENSIONS	
Number of Stalls	Parking areas shall provide the number of vehicle and van-accessible spaces required by the ADA. Currently, one van-accessible space is required for every six or fraction of six required ADA spaces.
Access Aisle	Paired handicap parking stalls will require a 5' common access aisle. ADA parking stalls shall provide an access aisle meeting ADA standards. Currently, the required aisle width is five feet (5') and two (2) ADA spaces may share an aisle.
Width of Stall	Stall width shall meet current ADA standards. Standard ADA spaces shall be eight feet (8') in width and van-accessible spaces shall be eleven feet (11') in width
Height/Length of Stall	18 feet
Note: ADA regulations may supersede the dimensional standards shown in this table. At the time of the adoption, these standards meet the ADA requirements.	

Chapter 5: Procedures

5-1 REVIEW AND DECISION-MAKING BODIES (NO CHANGE)

5-2 COMMON PROCEDURES (NO CHANGE)

5-3 ZONING PROCEDURES

5-3.1 Code Text Amendments (NO CHANGE)

5-3.2 Rezoning (Zoning Map Amendment/Conventional Zone District) (NO CHANGE)

1-1.2. 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.

Table 5-3.3.1 PLANNED UNIT DEVELOPMENT UNOBSTRUCTED OPEN SPACE	
Land Use	Minimum Amount of Open Space (Percentage of net site area)
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 1-1.2.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
Two-Step Process			
PUD Specific Development Plan	R	<R>	<D>
Administrative Site Plan	D		

Three-Step Process			
PUD General Development Plan	R	<R>	<D>
PUD Specific Development Plan	R	<D>	
Administrative Site Plan	D		

1. Eligibility for Two-Step or Three-Step Process

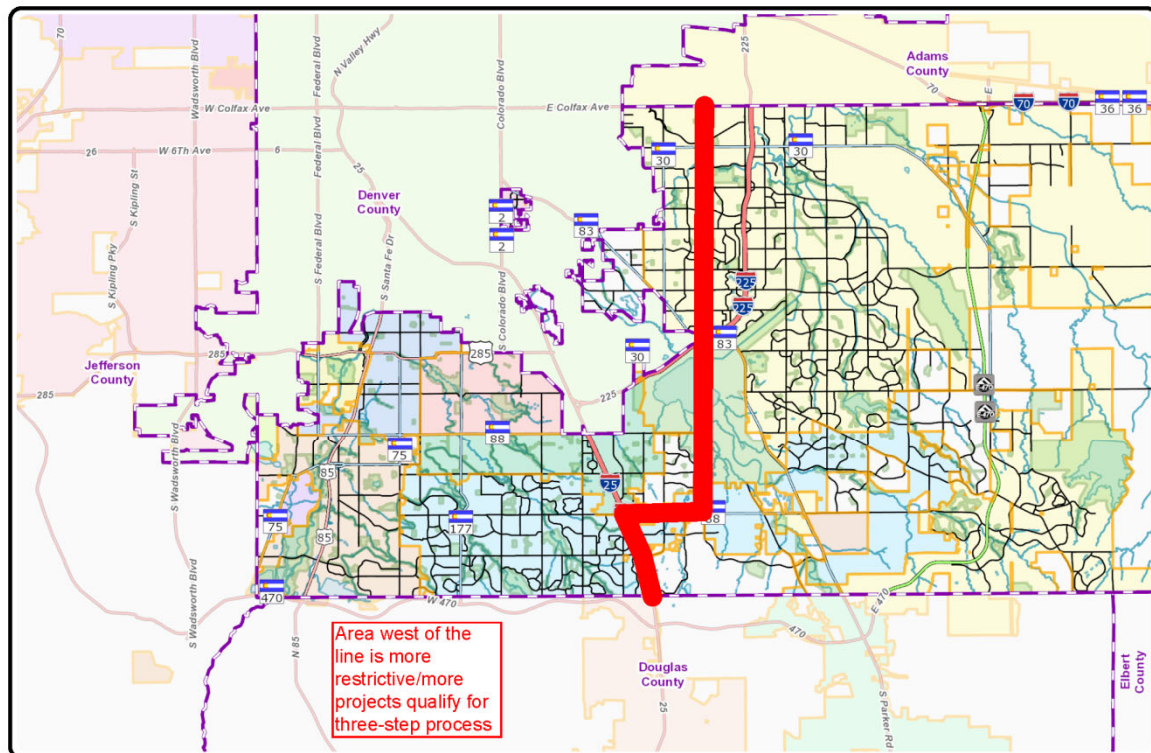
- a. For property predominantly located west of the line shown in Figure 5-3.3-1, a PUD application that meets one of the following three conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:
 - i. A project that includes only single-family detached residential 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.
 - iii.iv. Any project including a minimum 10% deed-restricted affordable housing units as defined herein.
- 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.

iii-iv. Any project including a minimum 10% deed-restricted affordable housing units as defined herein.

- c. All other projects shall be reviewed through the Three-Step PUD review process.
- d. Even if a PUD application is eligible under subsection 1-1.2.E.1.a or 1-1.2.E.1.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.

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 Arapahoe Road, then west to I-25, then south along I-25 to the southern boundary of Arapahoe County)



PUD Thresholds

0 7,000 14,000 28,000 42,000 56,000 Feet



ARAPAHOE COUNTY MAKES NO REPRESENTATION OR WARRANTY AS TO THE ACCURACY OF THIS MAP OR THE DATA THAT IT DISPLAYS. ARAPAHOE COUNTY ASSUMES NO RESPONSIBILITY OR LIABILITY TO ANY USER. THIS MAP IS NOT A LEGAL DOCUMENT. IT IS INTENDED TO SERVE AS AN AID IN GRAPHIC REPRESENTATION ONLY.
Map Generated On: 10/13/2016

Generated by Arapahoe County's **ArapaMAP**



Map Location

v1.0

2. 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 1-1.2.E.2.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 1-1.2.E.3.

a. Flowchart

Figure 5-3.3-2 shows the review steps for rezoning to PUD when the Two-Step process applies.

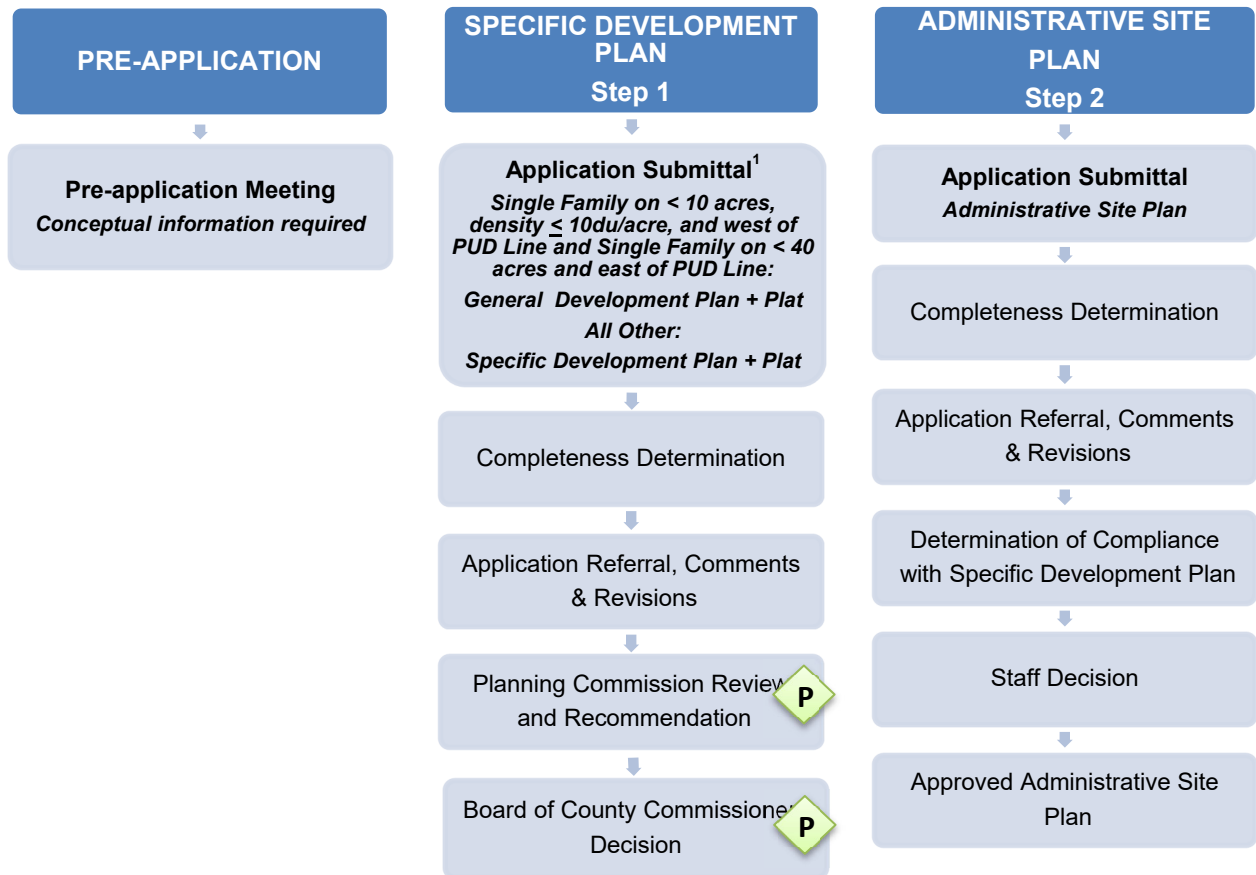
Figure 5-3.3-2 Summary of Procedure for PUD Two-Step Review Process

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 1-1.2.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 1-1.2.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 1-1.2.F.
- (c) The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 1-1.2.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.

3. Three-Step Process

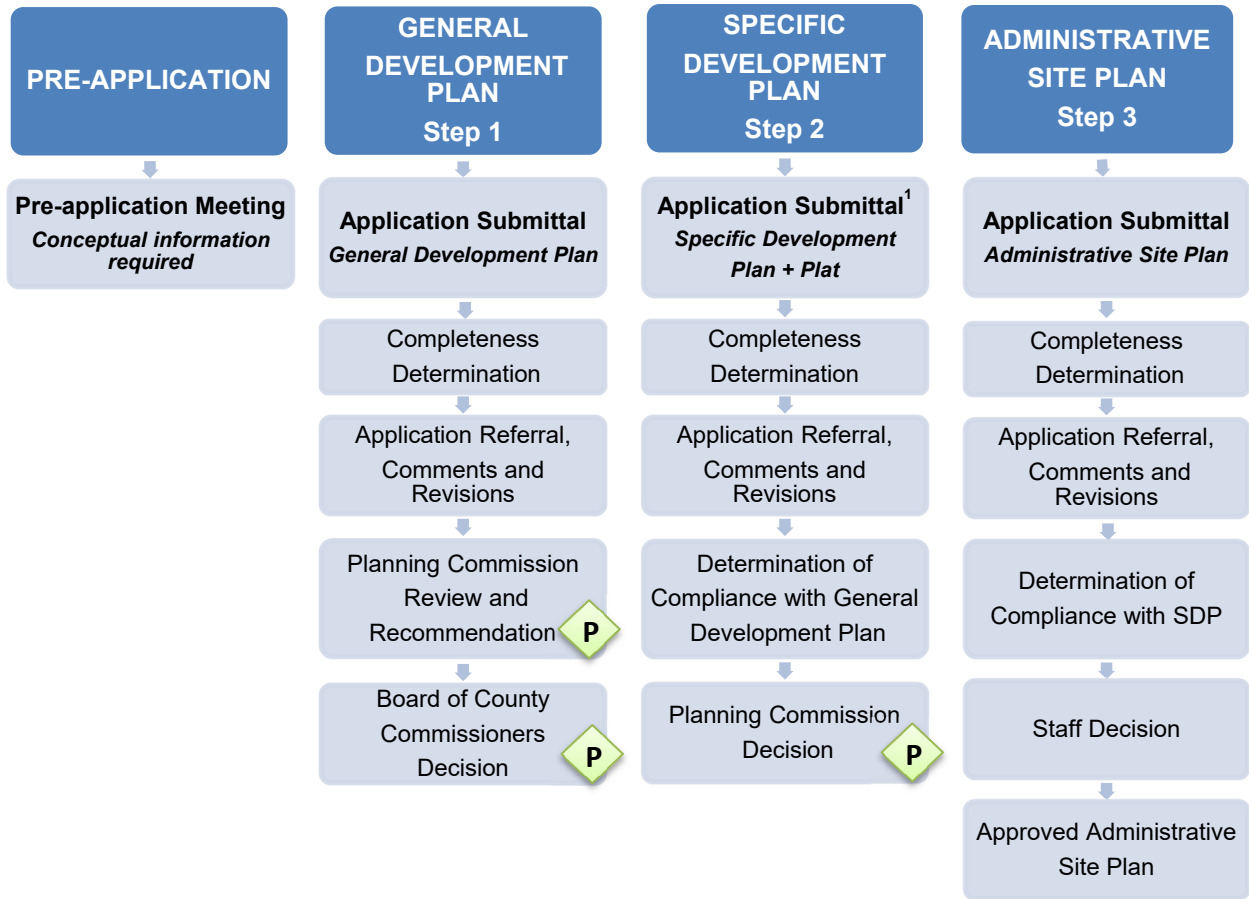
Where an applicant cannot satisfy the eligibility criteria for the Two-Step process in Section 5-3.3.E.2, is not able to provide the high level of detail about the proposed PUD required to qualify for the Two-Step review process, as described in Section 1-1.2.E.1, or cannot provide the level of detailed application materials required in subsection 1-1.2.E.2.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

<p>NOTES:</p> <p>P = Public Hearing</p> <p>[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.</p> <p>[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.</p>
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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 1-1.2.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 1-1.2.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 1-1.2.F.
- (c) The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 1-1.2.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 1-1.2.E.2.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 1-1.2.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 1-1.2.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 affordable and attainable 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

2. Approval Criteria for General Development Plan (GDP)

In addition to meeting the criteria in Section 1-1.2.F.1 above, a GDP must also meet the following criteria:

- a. a. building heights will not create significant adverse impacts on surrounding properties; and
- b. 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. c. It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan; and
- d. d. It provides or expands access to existing open space, and preserves and protects natural features; and
- e. 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 1-1.2.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 Planning Commission 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 1-1.2.G.2, on an SDP is a final decision.

Chapter 7: Definitions

7-1 RULES OF CONSTRUCTION

- 7-1.1.1 **THE PARTICULAR CONTROLS THE GENERAL.**
- 7-1.1.2 **THE WORD "BUILDING" SHALL MEAN THE WORD "STRUCTURE."**
- 7-1.1.3 **THE WORD "USED" SHALL INCLUDE "ARRANGED," "DESIGNED," "CONSTRUCTED," "ALTERED," "CONVERTED," "RENTED," "LEASED," OR "INTENDED TO BE USED."**

7-2 DEFINITIONS

Affordable Housing

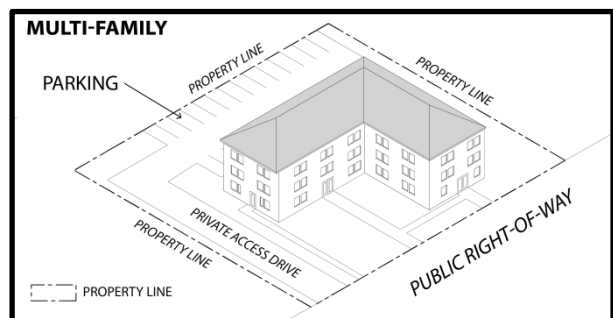
Housing that addresses the housing needs of households that earn less than 80 percent of the Area Median Income (AMI), and where monthly housing costs are not more than 30 percent of the household's monthly income.

Assisted Living Facility 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.

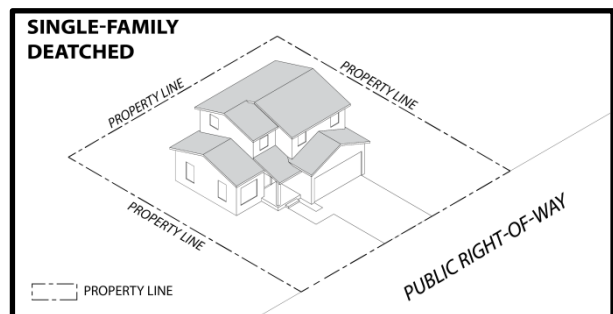
Dwelling, Multi-family

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 an accessory unit, 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

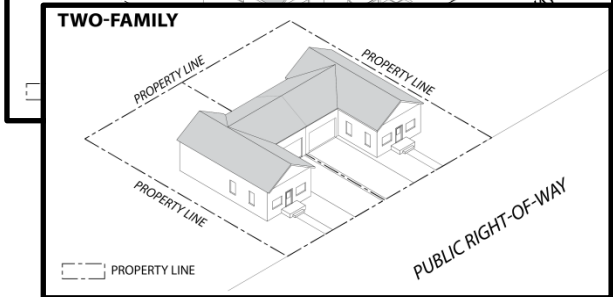
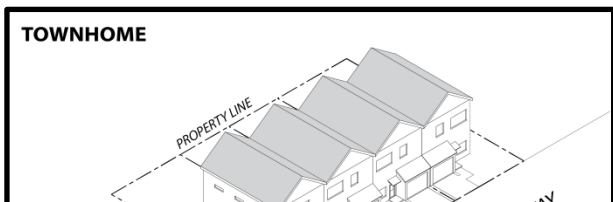
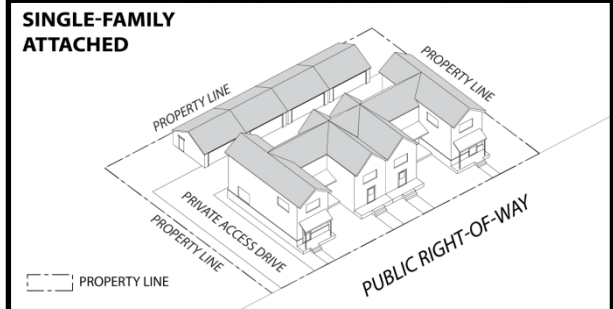
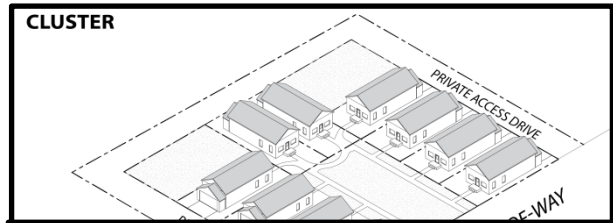
A structure located on a single lot, or on two lots with the lot line coinciding with the common or party wall, containing two dwelling units with separate access that share a common unpierced wall or floor/ceiling, each of which is designed for or occupied by a single family.

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.

Live-Work Unit

A combination of residential occupancy and a dominant commercial activity located within a dwelling unit that is not a home occupation, with access from the commercial activity provided to the residential unit.



Manufactured Home

- ~~A.~~ Any preconstructed building unit or combination of preconstructed building units or closed panel systems that:
- ~~B.~~~~A.~~ Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
- ~~C.~~~~B.~~ Is designed for residential occupancy in either temporary or permanent locations;
- ~~D.~~~~C.~~ Is constructed in compliance with the federal act, factory-built residential requirements, including those for multi-family structures, or mobile home standards;
- ~~E.~~~~D.~~ Is not self-propelled; and
- ~~F.~~~~E.~~ Is not licensed as a recreational vehicle.

Mobile Home

A single-family dwelling unit that is built on a chassis; is designed for long-term residential occupancy; contains complete electrical, plumbing, and sanitary facilities; is designed to be installed on a permanent or semipermanent manner with or without a permanent foundation; and is capable of being drawn over public highways as a unit or in sections, as defined in section 38-12-201.5(5)(a), C.R.S., as amended. A double-wide mobile home is considered a mobile home.

Modular Home

A dwelling unit that is factory factory-built in sections and later assembled at the point of installation. A modular home may be considered a mobile home if it is situated in a mobile home park and includes all six mobile home characteristics. A modular home is considered a manufactured home.

Overnight Shelter

A facility that provides temporary overnight accommodation for individuals or families experiencing homelessness. These shelters are typically open for overnight use and not open during the day.

Tiny Home

A structure that is permanently constructed on a vehicle chassis; is designed for long-term residency; includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home; is not self-propelled; and has a square footage of not more than four hundred square feet. Tiny home does not include a manufactured home; a recreational park trailer, recreational vehicle, semitrailer or shipping container., as defined in section 24-32-3302, C.R.S., as amended.

Transitional Housing

Temporary housing that provides supportive services for up to 24 months to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing.