



ARAPAHOE COUNTY
PUBLIC WORKS & DEVELOPMENT

Land Development Code Amendment Affordable Housing

Planning Commission August 5, 2025

Presenter: Kat Hammer, Senior Planner



Background



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- December 2023 – BoCC asked staff to draft LDC amendment that would encourage the development of affordable housing and create a more streamlined process for development of multi-family and mixed-use residential projects.
- January 7, 2025, Planning Commission Study Session
- March 25, 2025, BoCC Study Session
 - Create third tier for affordable housing incentives
 - Minimum duration of restriction on affordable units
 - Request comment on locational criteria for rezoning to MU Zone District
 - Include reduced building permit review timeline and building permit fees
- May 27, 2025 through June 26, 2025
 - Public Comment Period
 - Posted on website
 - Emailed builders and Adjacent Jurisdictions



Background: DRCOG Regional Housing Assessment

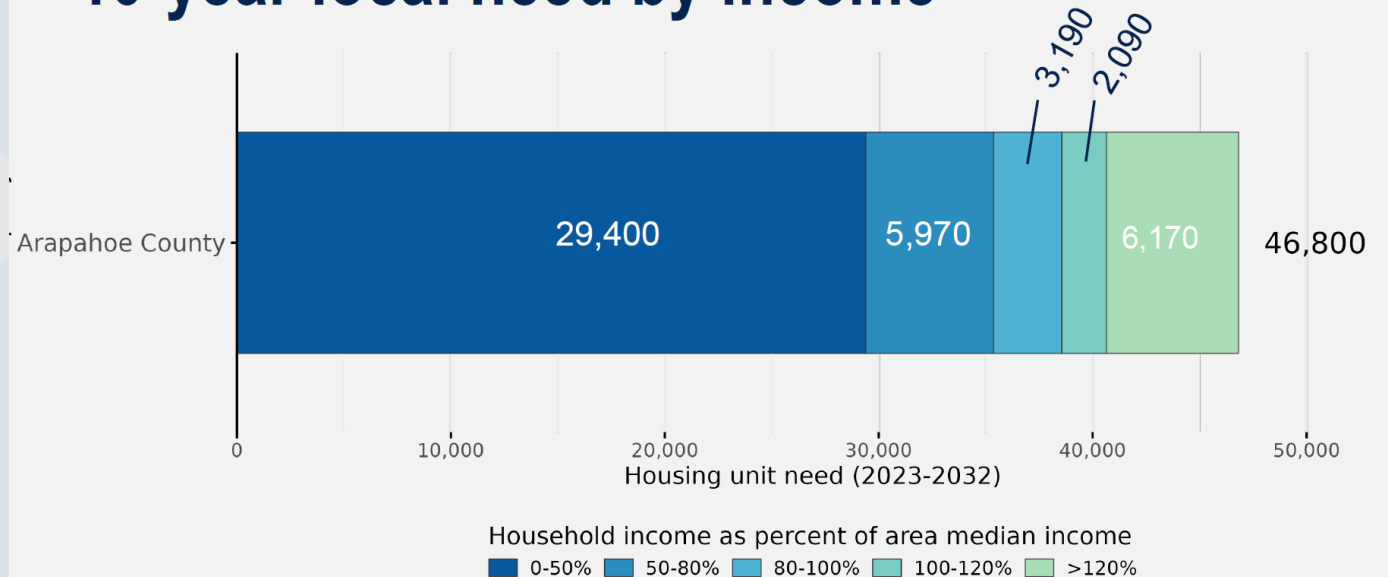
Colorado needs to produce
216,000 new housing units
between 2023 and 2032

Arapahoe County (excluding City
of Aurora) has a local need for
46,900 housing units by 2032



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10-year local need by income



Background: State Legislation

HB24-1304, Minimum Parking Requirements

- Prohibit minimum parking requirements in Metropolitan Planning Organizations (MPOs) for Multi-Family Development and adaptive re-use for residential purposes

HB24-1313, Housing in Transit-Oriented Communities

- Focus on zoning capacity
- Rezone transit areas based on an average density of 40 DU per acre (minimum of 15 DU/acre)
 - Does not require the County to ensure housing is built, only to provide zoning that makes it permitted

Proposition 123, Affordable Housing Programs

- Focus on housing production
- Created the State Affordable Housing Fund providing grant money to local jurisdictions that provide an Affordable Housing Commitment (increase affordable housing by 3%/year & expedited review process)
- Arapahoe County commitment includes a goal of 130 affordable units

HB24-1007, Prohibits Residential Occupancy Limits

- Prohibits municipalities from placing limitations on residential occupancy

Proposed Changes:



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Recommended changes appear in five chapters of the LDC:

1. Chapter 2, Zoning Districts
 - A. Creation of Multi-Family Residential Zone
 - B. Creation of Mixed-Use Zone
2. Chapter 3 Permitted Uses
 - A. Permitted Use Table
 1. Additional Types of Residential Uses
 2. Multi-Family & Mixed Use
 - B. Use Specific Standards
 1. Incentives for Affordable Housing
 2. Manufactured/Mobile Home Parks or Subdivisions
3. Chapter 4, Development Guidelines and Standards
 - A. Multi-Family & Mixed-Use Dimensional Standards
 - B. Parking – Affordable Housing, Mobile Homes & Multi-Family (HB24-1304)
4. Chapter 5, Zoning Procedures
 - A. Projects including affordable housing qualifies for a 2-step PUD process
5. Chapter 7, Definitions
 - A. Manufactured Homes
 - B. Additional Types of Residential Uses



Multi-Family Zone District



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- Currently, the Code does not permit multifamily development by-right;
- All multifamily development projects must go through a PUD process with public hearings;
- Creation of a MF zone district and development standards allows multifamily development with approval of an Administrative Site Plan if meets all standards

Higher-density multi-family housing and neighborhood-serving commercial uses

- Conveniently located near collector and arterial streets
- Easy access to major employment & activity centers & public amenities or complementary uses (schools, parks, open space & public transit)
- Transitional areas between non-residential areas and lower-density residential uses

Single-family attached, 2-family, townhome, & multi-family dwelling units

No minimum lot size & maximum building height of 55 feet for MF & 40 for other dwelling units

Proposed density is 13 – 35 DU/acre



Mixed-Use Zone District



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- The Code does not allow mixed-use development by-right;
- Mixed-Use projects must go through the PUD process;
- Creation of a MU zone with development standards will allow mixed-use projects to be approved administratively if the plans meet all standards.

Mix of commercial and higher density residential land uses adjacent to transit and major road corridors in urbanized areas

- Easy multi-modal access for high density residential and offices, retail and service uses
- Allow for multi-family, live-work dwelling units

Maximum building height is 75 feet

Minimum density is 35 DU/acre

Property must be within Urban area and **within ¼ mile or ½-mile** of arterial streets and transit systems, as well as, near neighborhood services and employment



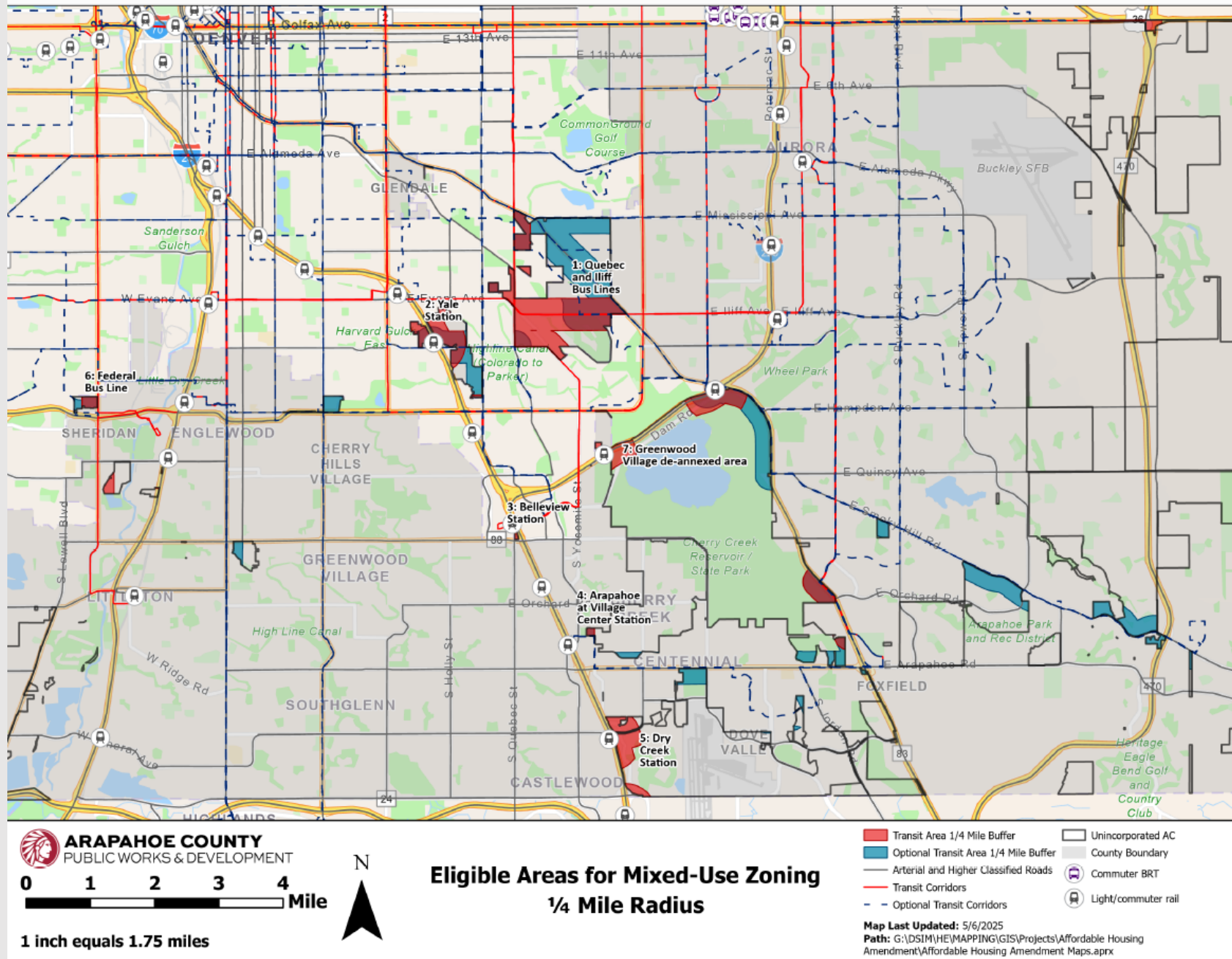


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County Wide:

¼ mile
6,623 parcels

½ mile
10,763 parcels



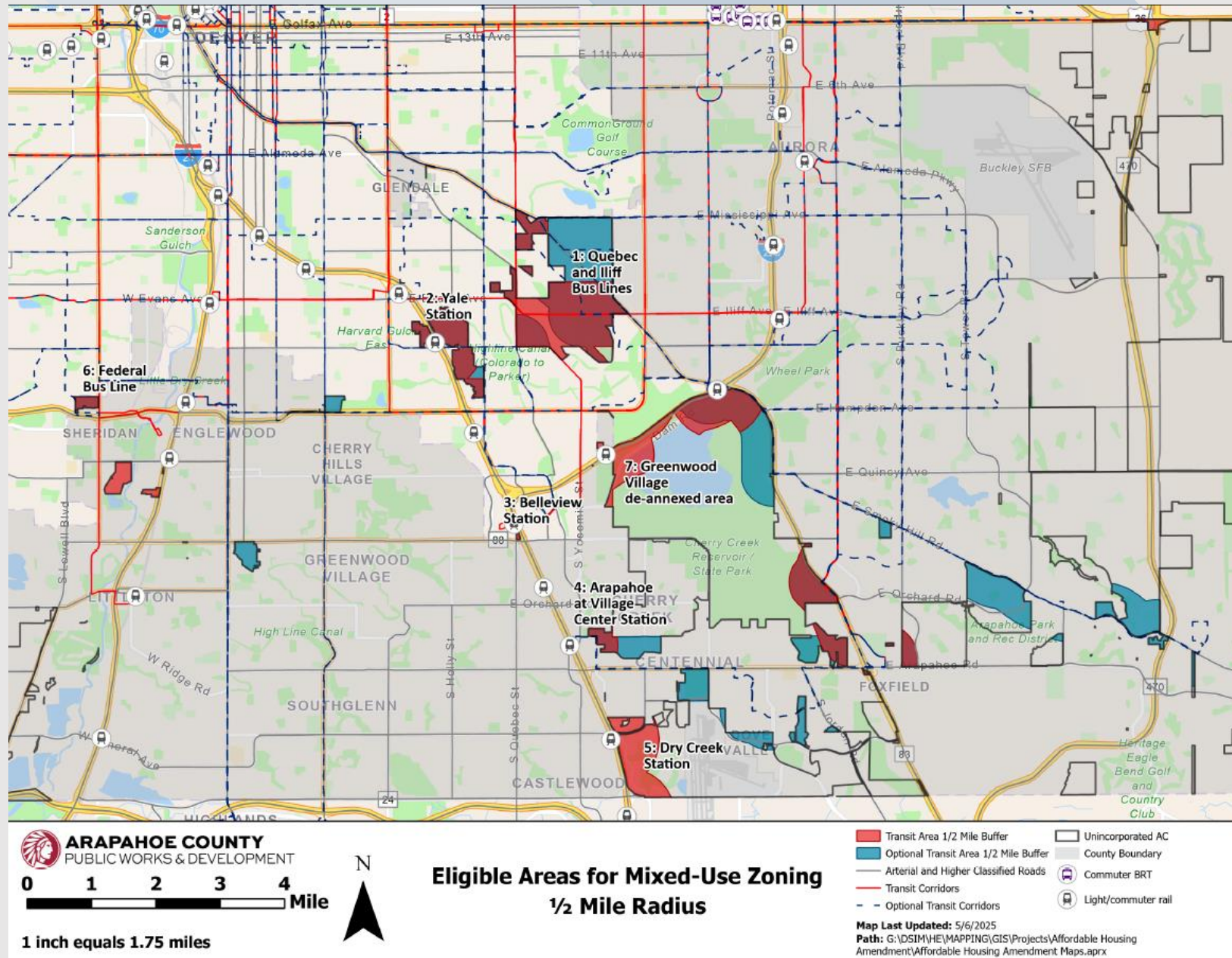


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County Wide:

1/4 mile
6,623 parcels

1/2 mile
10,763 parcels



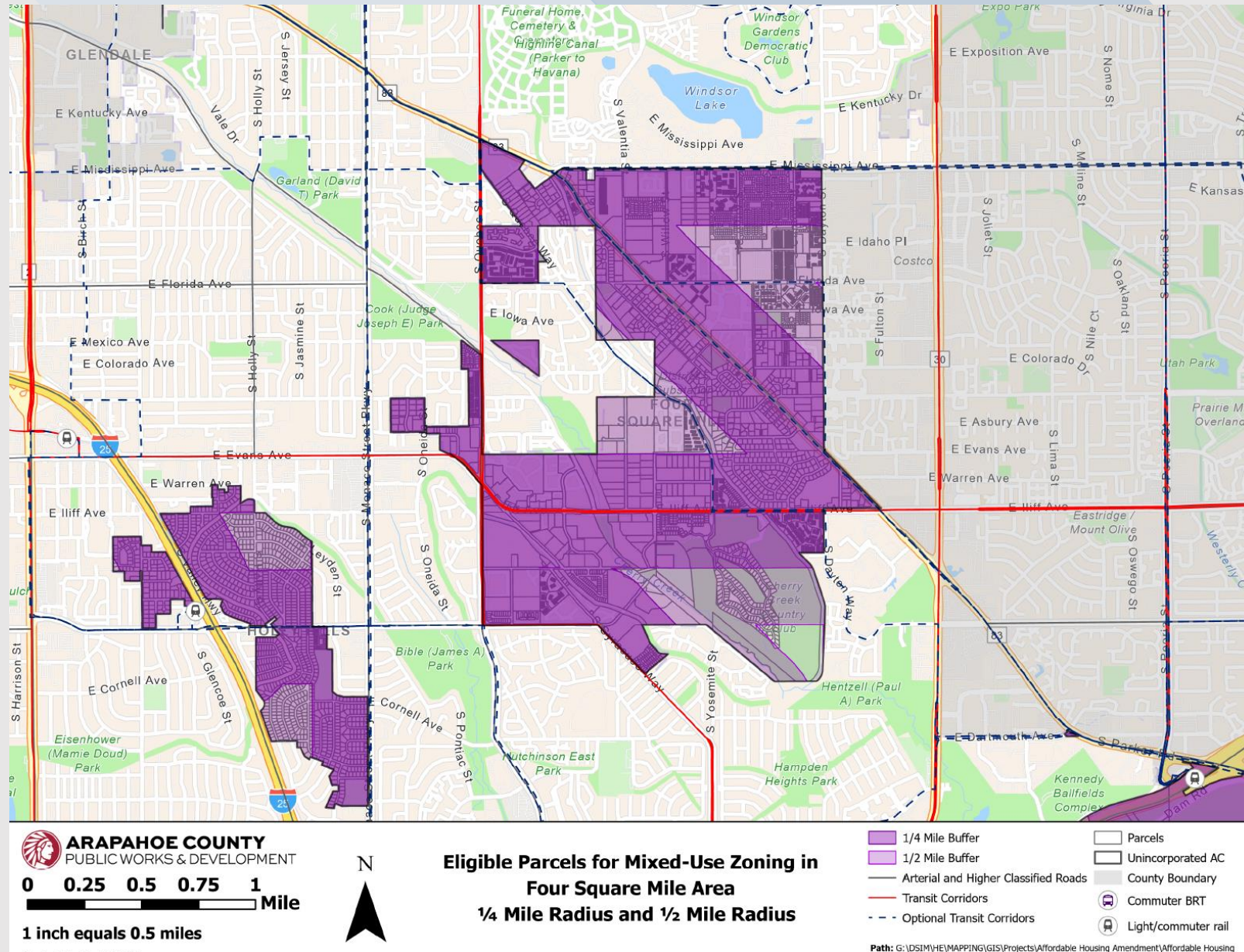


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Four Square Mile
Area:

1/4 mile
3,771 parcels

1/2 mile
4,783 parcels



Incentives for Affordable Housing

Three-tiered approach – minimum of 10% of total units as affordable units

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.”

Affordable Units must 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 would have a recorded deed restriction.

- 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..

Incentives for Affordable Housing



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The developer would be required to provide agreements for affordable housing units within the development to receive the specific incentives, including:

- Total number of affordable units
- Type of affordable units (for-sale or rental)
- Type of residential product (single-family, townhome, multi-family)
- Approximate size of units, number of bedrooms & estimated market price or rent
- Summary of ownership/rental covenants, including the length of deed restriction
- Location of specific units or lots being restricted as affordable units
- Process of determining eligible home buyer or renters and how program will be administered
- Requirement to submit a summary of the affordable units every 12 months

Regulations also include design standards and access regulations, timing of construction and violation and penalty



Incentives for Affordable Housing



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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>



Incentives for Affordable Housing



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<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>



Incentives for Affordable Housing



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<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>



Incentives for Affordable Housing



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<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>



Incentives for Affordable Housing



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<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.</u> <u>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>			



Parking Regulations

HB24-1304 – prohibits minimum parking requirements for multi-family residential development, adaptive re-use for residential purposes or purposes which include at least 50% use for residential, and affordable housing developments

Draft regulations have been updated to align with the recent state legislation and now shows no minimum parking requirements for multi-family or affordable housing projects

Residence	
• Single Family (1)	2 spaces per dwelling unit
• Single Family Attached (1)	2 spaces <u>per dwelling</u> unit, plus 0.25 guest space per unit
• Multi Family Dwelling (1)	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 4.24 1.2.C.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.
• Affordable Housing (1)	No minimum parking requirement.

Additional Types of Residential Uses



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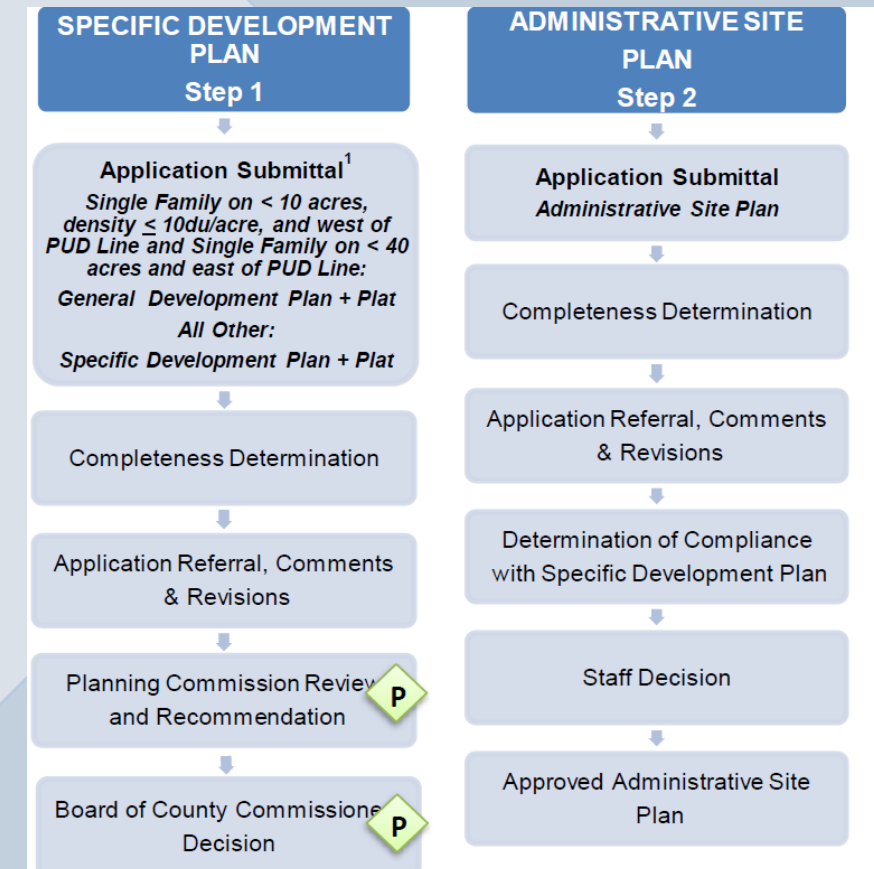
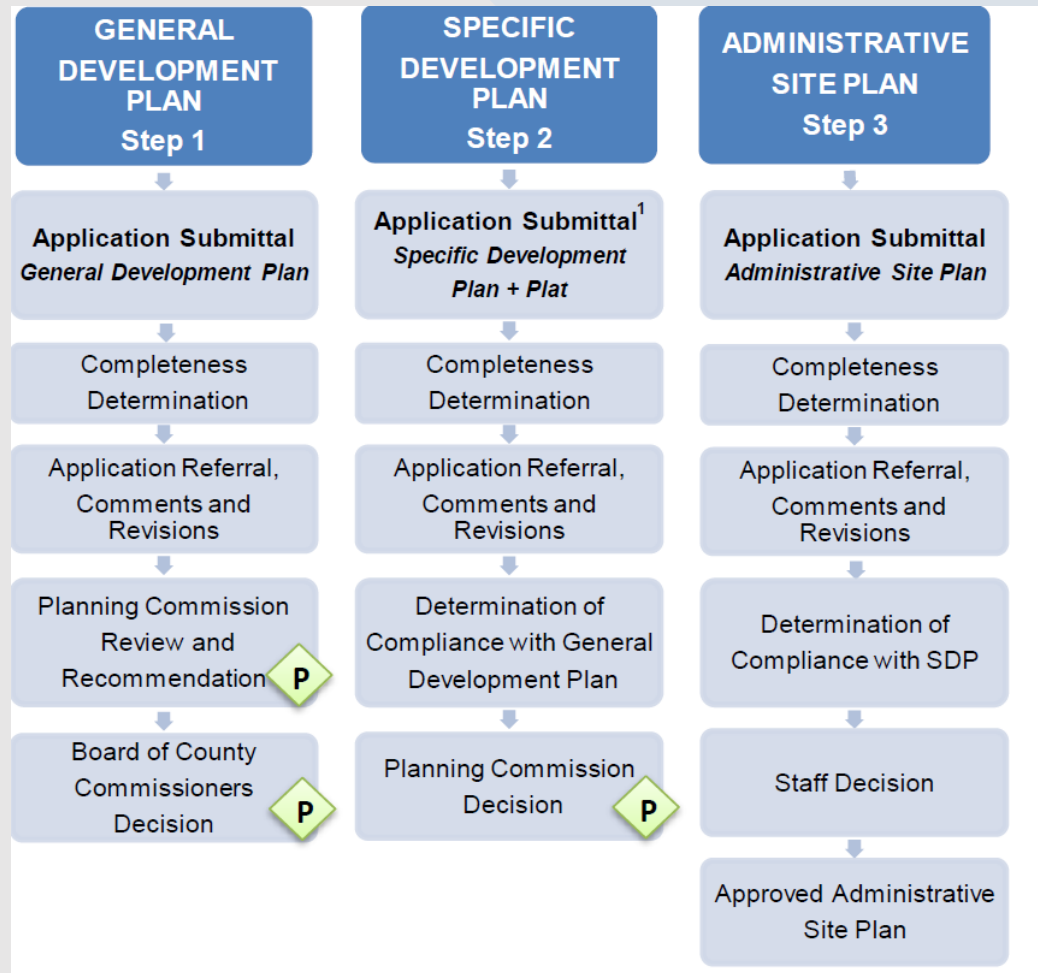
- Live-Work Dwelling Unit (permitted use in R-MF and MU)
- Assisted Living Facility (permitted use in R-MF and MU)
- Overnight Shelter (permitted use in R-MF, MU, B-1, B-2, B-3 and I-1)
- Transitional Housing (permitted use in R-MF and MU)



PUD Process Streamlining



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Chapter 7: Definitions



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HB24-1007: prohibited municipalities from placing a limitation on the number of unrelated occupants that can live in a household.

Revised the definitions of modular, manufactured and mobile homes.

Modular homes are permitted in all residential zones that permit single-family homes.

New definitions:

Transitional Housing

Overnight Shelter

Live-Work Dwelling Unit

Assisted Living Facility



Manufactured & Mobile Homes

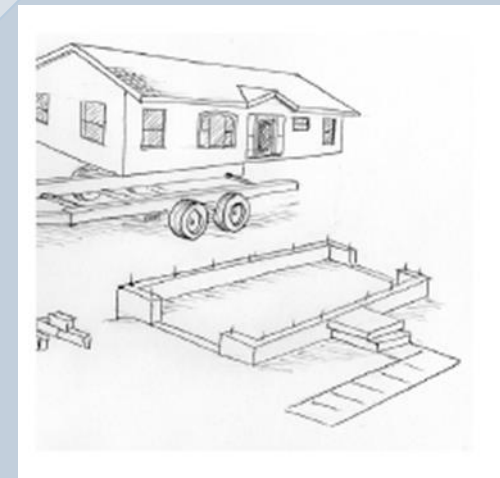


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Manufactured Home includes:

Any preconstructed building unit or combination of preconstructed building units or closed panel systems that:

1. Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
2. Is designed for residential occupancy in either temporary or permanent locations;
3. Is constructed in compliance with the federal act, factory-built residential requirements, including those for multi-family structures, or mobile home standards;
4. Is not self-propelled; and
5. Is not licensed as a recreational vehicle.



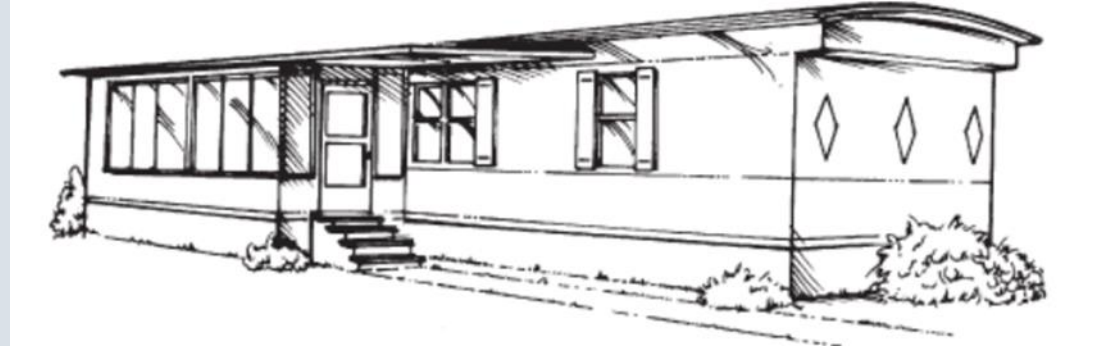
Manufactured & Mobile Homes



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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.



Manufactured & Mobile Homes



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Modular Home:

A dwelling unit that is 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.



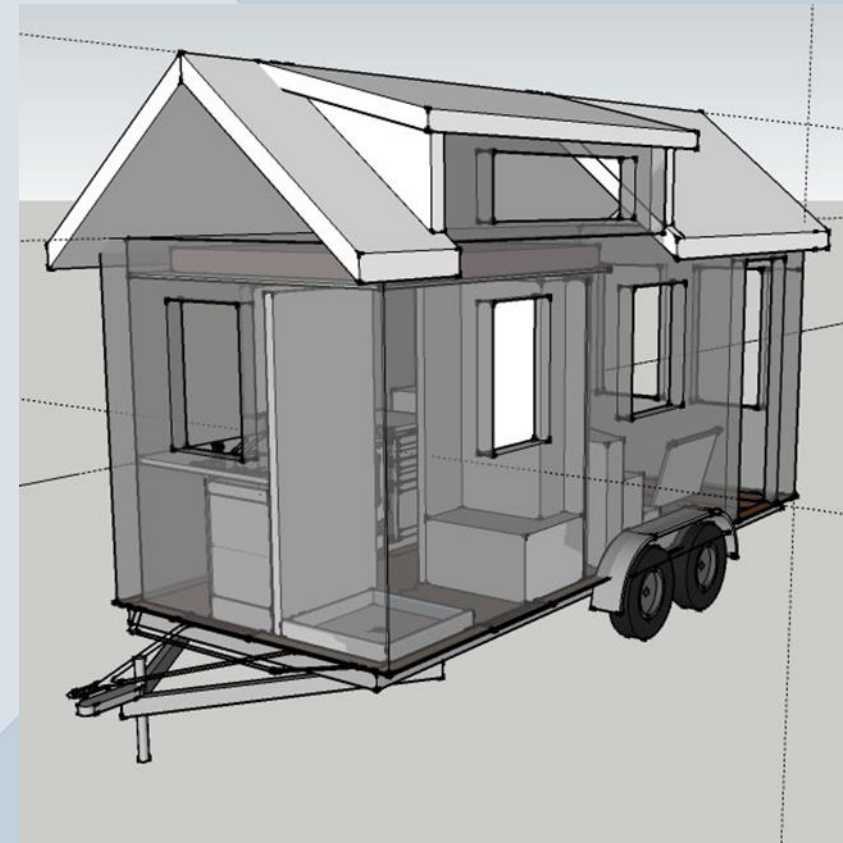
Manufactured & Mobile Homes



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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.



Manufactured & Mobile Homes Subdivision Regulations



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- 1) MANUFACTURED/MOBILE HOME PARKS OR SUBDIVISIONS
 - a) Manufactured/mobile home parks or subdivisions shall abut or have access to streets and highways no less than ~~45~~ feet wide ~~for two-way traffic. (Split the difference between Aurora's 30 ft and our 60ft).~~ ~~Curves on roads shall be 15 feet wide for single lane traffic and 28 feet wide of two-way traffic.~~
 - b) The manufactured home, or mobile home, park or subdivision shall be so arranged that all residences have direct access to an interior roadway.
 - c) Approved landscaping shall not interfere with the transporting of a mobile home unit.
 - d) 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.
 - e) In each manufactured/mobile home park there shall be provided the following areas:
 - i) Adequate laundry facilities for residents.
 - ii) ~~Two off street parking spaces for each residence.~~ ~~One off street parking space for each residence~~
 - iii) A recreation area for the residents.
 - f) Garbage and trash containers, rodent and insect control features, and water and sewer provisions must meet with the approval of the Tri-County Health Department and/or the State Health Department.



Public Comment



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- Parking
 - HB24-1304 includes a stipulation allowing the County to impose and enforce minimum parking requirements for developments containing 20 or more units
 - No recommending any changes because cumbersome requirements for both staff and developer to enforce
 - Publication, findings of no substantial negative impacts, studies by professional engineer for each case.
- Stress on Existing Infrastructure
 - Higher density in Urban Area – access to water and sanitation districts and built roadway
 - Developers for all project must provide will-serve letters (traffic and water & sanitation)
- Equity Concerns – waiving tree preservation requirements and landscaping and screening
 - Infill development typically does not have large, mature trees on-site
- Neighborhood Outreach
 - Initial draft waived required neighborhood outreach for all projects that provide at least 10 percent affordable units.
 - Staff was directed by BoCC to create third tier – and only third tier (50% or more affordable units) waives neighborhood outreach meeting.





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Discussion & Questions

