

ARAPAHOE COUNTY PLANNING COMMISSION
STUDY SESSION
December 3, 2024
6:30 P.M.

SUBJECT: STUDY SESSION ON CASE NO. LDC24-004 - AFFORDABLE HOUSING
LAND DEVELOPMENT CODE AMENDMENTS

KAT HAMMER, SENIOR PLANNER

PURPOSE AND REQUEST

This County-initiated project proposes amending the Land Development Code (LDC), specifically, Chapter 2, Zoning Districts, Chapter 3, Permitted Uses, Chapter 4, Development Guidelines and Standards, and Section 5-3.3 Zoning Procedures - Planned Unit Development. The proposed changes include the creation of Multi-Family Residential and Mixed-Use Zone Districts and standards, and incentives for affordable housing developments. The proposed draft language can be found in Attachment A.

Staff is requesting a Planning Commission discussion on the proposed changes.

BACKGROUND

Colorado has seen significant population growth in the last decade. Despite the rapid population growth, residential construction has been unable to keep up with demand. According to the Denver Regional Council of Governments (DRCOG) 2024 Regional Housing Needs Assessment, between now and 2032, Colorado needs to produce 216,000 new housing units and Unincorporated Arapahoe County has a local need for 2,270 housing units by 2032. Furthermore, Colorado needs to produce 6,800 units by 2050 to meet current and future regional housing needs. While housing is needed at all income levels, housing that is affordable to households earning less than 60 percent of Area Median Income represents the largest share. There are many reasons for the underproduction of housing units, but one of the key contributing factors we hear from the development community is zoning barriers – i.e., limitations on density, location, and housing types in varying zoning districts.

Staff received direction from the Board of County Commissioners (BoCC) in December 2023 to draft proposed LDC amendments to promote affordable housing further and add standards and regulations for a multi-family zone district and a mixed-use zone district. Staff was directed to draft amendments, and create incentives for affordable housing as well as, revise the specific mobile home use regulations in the code and clarify that modular homes are permitted where single-family homes are permitted.

Staff is also recommending revisions to the parking requirements pursuant to House Bill 24-1304, concerning Parking Requirements within Metropolitan Planning Organizations. The House Bill states that Arapahoe County shall not enact nor enforce regulations that establish a minimum parking requirement for multi-family residential development, adaptive re-use for residential purposes, or purposes which include at least fifty percent of use for residential purposes and affordable housing developments. More information on HB24-1304 can be found in Attachment B.

Proposition 123 and House Bill (HB) 24-1313, Transit Areas, will affect housing development. Proposition 123 focuses on housing production while HB24-1313 focuses on zoning capacity. Proposition 123 created the State Affordable Housing Fund which provides grant money to local jurisdictions. The initial step to qualify for access to these funds is a Local Government Affordable Housing Commitment, which includes a requirement to increase existing affordable housing units by three percent a year and an expedited review process for affordable housing developments. Arapahoe County Community Resources filed an Affordable Housing Commitment including details of the County's goal of 130 affordable unit increase (see Attachment C). Community Resources is working closely with municipalities and the state to identify how the County will meet this goal.

HB24-1313 designates Arapahoe County as a Transit-Oriented Community (TOC) because the county is within a Metropolitan Planning Organization (MPO) near light or commuter rail stations and has unincorporated areas that are surrounded by municipalities. The bill sets housing goals based on transit stations and transit corridors and requires TOC to rezone transit areas based on an average density of 40 dwelling units per acre, with a minimum of 15 dwelling units per acre. The bill itself does not require local governments to ensure housing is built, there is no penalty in HB24-1313 if units are not built if Arapahoe County has zoned capacity. The preliminary report estimating the County's Housing Opportunity Goal is due to Department of Local Affairs (DOLA) on June 30, 2025, and the county must meet the Housing Opportunity Goal by December 17, 2027. The creation of Multi-Family and Mixed-Use Zone districts may help the County reach the goals of Proposition 123 and HB24-1313. More information on HB24-1313 and Proposition 123 can be found in Attachment D and E.

DISCUSSION AND PROPOSED CHANGES

Staff is proposing the following changes to the LDC:

Multi-Family Zone District:

The LDC includes a placeholder for a Residential Multi-Family (R-MF) Zone District, but no specific standards, so currently, all multi-family development requires a PUD process. The PUD process can be lengthy and include up to three public hearings. Staff is recommending establishing standards for a multi-family zone district that is geared toward higher-density multi-family 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. Staff is not proposing any rezoning to this zone district as part of this amendment.

The proposed rezoning criteria requires the subject property to be located within the Urban Area, excluding restricted areas within the Airport Influence Area, or Rural Town Center Planning Areas, as defined by Sub-Area Plans. The subject property must also be located near major arterials and transit systems (except for the Rural Town Center Planning Areas) and near neighborhood services and employment. Staff is proposing this zone district only allow single-family attached, 2-family, townhome, and multi-family dwelling units as permitted uses, single-family detached dwelling units are not permitted uses in this zone district. The proposed regulations have no minimum lot size per dwelling unit, and a maximum building height of 55

feet for multi-family and 40 feet for all other dwelling units. The proposed minimum density is 13 dwelling units per acre and the maximum density is 35 dwelling units per acre.

Mixed-Use Zone District:

The LDC does not include a Mixed-Use (MU) Zone District, so all mixed-use development requires a PUD process. Staff is recommending amending the LDC to include a mixed-use zone district. Staff is not proposing any site-specific rezoning to this zone district as part of this amendment. The MU zone district is intended to include 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 district is intended to include easy multi-modal access for higher density residential uses to a full range of office, retail and service uses. The proposed regulations only allow multi-family and live-work dwelling units permitted in this zone district. The proposed maximum building height is 75 feet, and the minimum density is 35 dwelling units per acre. The MU zone district requires the subject property to be located within the Urban area and within one-quarter mile of arterial streets and transit systems and in proximity to neighborhood services and employment. This zoning would facilitate the density needed in the Transit Oriented Communities legislation.

Incentives for Affordable Housing Development:

Staff is recommending a two-tiered incentive option for development which includes a minimum of 10% of the total units as affordable units. 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 would have a recorded deed restriction. Below is the proposed table describing the possible incentives for developments including affordable, deed restricted units.

Table 3-3.2.2: Affordable Housing Development Incentives		
	Tier One	Tier Two
Description	A minimum of 10% of the units are affordable units	A minimum of 50% of total units are affordable units
Density Bonus	10% above the maximum residential density allowed in the zone district	50% above the maximum residential density allowed in the zone district
Increased Height	1 story not to exceed 15 feet	2 stories not to exceed 30 feet (the overall building height shall not exceed 75 feet)
Reduced Setbacks	No reductions	Setbacks may be reduced up to 50% of the zone district. ¹

Reduced On-site Unobstructed Open Space	No reduction	On-site unobstructed open space may be reduced by up to 10% for affordable units An additional reduction of 50% may be approved if the site is located within 1/2 mi of a public park or open space.
Public Land Dedication for Public Parks	No reduction	Dedication of land or cash-in-lieu is waived for affordable units
Expedited Process	All development with affordable housing qualifies for the two-step Planned Unit Development process	No guest parking is required for affordable units Neighborhood meeting requirements are waived for projects with a minimum of 50% affordable units
Reduced Fees	Planning and Engineering Review Fees shall be reduced by a percentage equal to the percentage of affordable and/or attainable units provided in the development (not to exceed a 50% reduction of the fees)	Planning and Engineering Review Fees shall be reduced by a percentage equal to the percentage of affordable units provided in the development
Reduced Land Use Application Review Timeline	No reduction	1st Review: 20 business days Applicant must attend a comment review meeting with staff prior to resubmitting. 2nd Review: 10 business days 3rd and all other additional reviews: 5 business days
Reduced Building Permit Review Timeline	No reduction	Applicant/developer may submit building permit after the second round of staff comment for Planning and Engineering review
Landscape		
Tree Preservation 4-1.3	No reduction	Waive tree preservation requirements

Landscaping and Screening 4-1.4	No reduction	New development or redevelopment regulations do not apply to 100% affordable and/or attainable housing developments.
Landscaping Design Standards and Guidelines 4-1.4 E.1. c. All development sites excluding single-family detached, shall feature consistently landscaped areas along the front, sides, and rear property line.	No reduction	Remove side landscaping requirement.
<p>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 the International Building Code, as adopted and amended by Arapahoe County; and each applicable fire, plumbing, electrical, and mechanical code in effect on the date a permit is applied for pursuant to each of those codes.</p>		

Staff researched other jurisdictions, including jurisdictions with inclusionary zoning regulations, which require affordable units as part of development, to determine the proposed incentives. The proposed incentives are consistent with what other municipalities are offering to encourage affordable housing development. The City of Centennial held a round table with developers in June of 2023 to discuss inclusionary zoning which provided insight on incentives that are most valuable to developers, the notes on this round table can be found in Attachment F.

Staff has prepared language describing the required agreements for development including the number of affordable units and specific incentives. The affordable units must carry a deed restriction, restrictive covenant, or other form of affordability restrictions that must be recorded in the real property records of the Arapahoe County Clerk and Recorder’s Office. A residential development seeking incentives must provide a Memorandum of Agreement (MOA) with Arapahoe County Public Works and Development, which shall include:

- 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/Planning Division 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.

The proposed changes also include design standards and access regulations, timing of construction and violation and penalty. The purpose of the design standards and access regulations and timing of construction are to ensure that the designated affordable units are constructed concurrently or prior to the market-rate units, include comparable construction materials, and have equal access to all amenities within the development. A draft of a MOA for rental units can be found in Attachment G. The final MOA will require additional research and approval from the County Attorney's Office.

Parking Regulations:

House Bill 24-1304 states that Arapahoe County shall not enact nor enforce regulations that establish a minimum parking requirement for multi-family residential development, adaptive re-use for residential purposes or purposes which include at least fifty percent of use for residential purposes, and affordable housing developments. Staff is recommending revising the parking regulations to comply with HB24-1304. Staff is recommending one parking space per unit for affordable housing that does not meet the HB24-1304 definition of regulated affordable housing below.

“Regulated Affordable Housing” means Affordable Housing that has received loans grants equity bonds or tax credits, property with restricted use covenant, or similar recorded agreement to ensure affordability, or has been income-restricted as part of inclusionary zoning or another program.”

Additional Types of Residential Uses:

Staff is proposing including additional types of residential uses within the permitted use table to address alternative types of housing, specifically:

- 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)

The definitions for these types of residential uses will be drafted after the study session with the BoCC.

Manufactured Home Definitions:

The LDC currently includes definitions for manufactured homes and mobile homes but does not define/address other types of homes like modular or tiny homes. Staff is recommending revising the definition of a manufactured home to include mobile, modular, tiny, and other preconstructed dwelling units or a combination of preconstructed dwelling units constructed in compliance with

federal manufactured home construction safety standards. Manufactured homes do not include recreational vehicles. The proposed regulations would allow for manufactured homes constructed on a foundation (except mobile homes) by right in all residential zone districts. The proposed regulations would also allow for mobile homes in the A-1 and A-E zone districts.

Colorado HB22-1242 regulates tiny homes, which are typically manufactured, where no other construction standards otherwise exist. A tiny home is defined as a structure that is permanently constructed on a vehicle chassis and is designed for long-term residency. The structure shall include electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home. The structure shall not be self-propelled and shall not have a square footage of more than 400 square feet. Attachment H includes the proposed definitions of these types of homes and illustrations.

Mobile Home Parks or Subdivision Regulations:

Staff is recommending amending Section 2.3-1.3 R-M, Residential – Manufactured/Mobile Home and Section 3-3.2.C Manufactured/Mobile Home Parks or Subdivision of the LDC to alleviate some barriers to creating Manufactured/Mobile Home Parks and/or Subdivisions. Staff researched other jurisdictions and is recommending reducing parking and access requirements. Currently, the LDC requires manufactured/mobile home parks or subdivisions to abut or have access to streets and highways no less than 60 feet wide for two-way traffic and two off-street parking spaces for each residence. Staff is recommending removing this requirement and including standards for internal access drives. Staff is also recommending reducing the required number of off-street parking to one space per residence.

ACTION REQUESTED

The attached PowerPoint presentation highlights specific areas for which staff requests Planning Commission discussion and recommendations. Staff expects to take this proposal to the Board of County Commissioners for discussion and direction in the first quarter of 2025. After receiving direction from the Board of County Commissioners staff will make any necessary revisions prior to conducting public outreach, including the development community, and preparing this item for public hearing with the Planning Commission and the Board of County Commissioners.

ATTACHMENTS

- A. LDC Affordable Housing Proposed Amendment
- B. HB24-1304 Minimum Parking Requirements
- C. Arapahoe County Affordable Housing Commitment
- D. HB24-1313 Housing in Transit-Oriented Communities
- E. Proposition 123 Affordable Housing Programs
- F. Centennial Round Table Notes
- G. Draft Memorandum of Agreement
- H. Manufactured Homes Definitions and Illustrations

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

1. The subject property is located within the Urban Area, excluding restricted areas within the Airport Influence Area (Centennial Airport, Buckley Space Force Base, Denver International Airport, and Colorado Air and Space Port) and in or adjacent to other hazard areas, and may occur in the Rural Town Center Planning Areas, as defined by Sub-Area Plans.

2. The subject property(ies) is located near major arterials 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.

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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 subject property is located within the Urban Area, excluding restricted areas within the Airport Influence Areas (with the exception of Centennial Airport), and in or adjacent to other hazard areas, as defined by Sub-Area Plans.
2. The subject property(ies) or any part thereof are located within one-quarter mile of arterial streets and transit systems and in proximity to neighborhood services and employment.
3. Other specific criteria? Look at transit oriented communities criteria "or as designated by the County as a 'transit center'.
4. The subject property

D. DISTRICT-SPECIFIC STANDARDS

1. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated 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.

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5. [Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing and will comply with other applicable design standards of this code.](#)
6. [The location of exterior equipment shall minimize visual and auditory impacts to adjacent property and public streets and will comply with other applicable design standards of this code.](#)
7. [Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.](#)

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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 [ERROR! REFERENCE SOURCE NOT FOUND.5-3.4](#), USE BY SPECIAL REVIEW; SECTION [ERROR! REFERENCE SOURCE NOT FOUND.5-3.5](#), 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 [ERROR! REFERENCE SOURCE NOT FOUND.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 [ERROR! REFERENCE SOURCE NOT FOUND.5-5.2](#), [ERROR! REFERENCE SOURCE NOT FOUND.TEMPORARY](#)

~~STRUCTURES AND SECTION ERROR! REFERENCE SOURCE NOT FOUND.5-5.3, ERROR! REFERENCE SOURCE NOT FOUND.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

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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
Residential Uses																										
Household Living																										
Dwelling, Single family detached dwelling	P	P	P	P	P	P	P	P	P	P	P	P													P	Formatted Table
Dwelling, Single family cluster, detached dwelling								P	P																P	3-3.2B3 3-2-B
Dwelling, Single family attached dwelling, other than 2-family or townhome										P	P		P												p ^[4]	3-3.2B3 3-2-B , 3-3.2H3 3-2-H
Dwelling, 2-Family Dwelling										P	P		P												p	3-3.2B3 3-2-B
Dwelling, Townhome Dwelling											P		P												p ^[4]	3-3.2H3 3-2-H
Dwelling, Multi-family dwelling New Multi-family requires a PUD													P	P											p ^[4]	3-3.2B3 3-2-B , 3-3.2H3 3-2-H
Dwelling, Live-Work *Accessory Dwelling Unit													P	P												Formatted Table
	A	A	A	A	A	A	A	A	A	A			A												A	A* *Unless expressly prohibited by the approved PUD plan
Manufactured home		P	P	P									P													Per Approved General, Specific, Preliminary or Final Development Plan
																										Per Approved General, Specific, Preliminary or Final Development Plan
Mobile home		P	P										P													Per Approved General, Specific, Preliminary or Final Development Plan
Ranch Hand/Agricultural Worker Housing	SE	SE	SE																							3-3.2F3 3-2-F
Home Occupation, General		A	A	A	A	A		A	A	A	A		A	A												A
Home Occupation, Day Care		A	A	A	A	A		A	A	A	A		A	A												A

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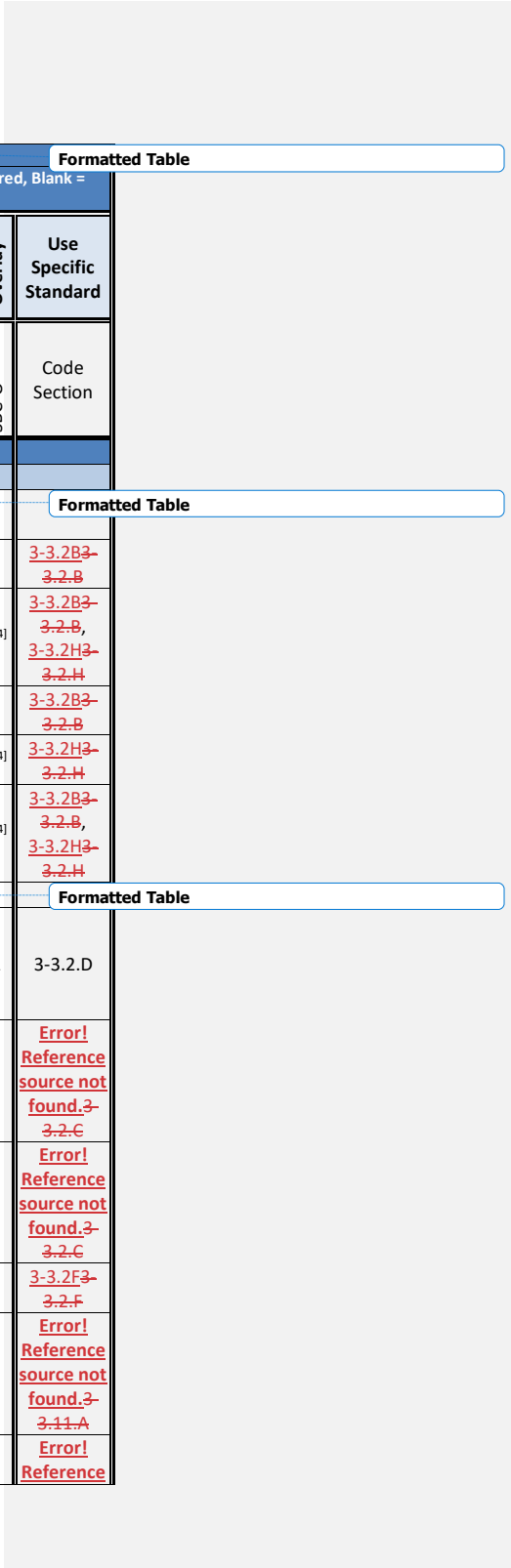


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Home Occupation, Day Care Experienced Provider or Large		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE											SE		source not found, 3-3.11.B Error! Reference source not found, 3-3.11.B
Marijuana, Non-commercial use		See Sections Error! Reference source not found., Error! Reference source not found, 3-3.5.C.2.6 and Error! Reference source not found, 3-3.5.C.3											See Sections Error! Reference source not found, 3-3.5.B and Error! Reference source not found, 3-3.5.C											See Sections Error! Reference source not found, 3-3.5.B and Error! Reference source not found, 3-3.5.C		Error! Reference source not found, 3-3.5	
Pets		A	A	A	A	A	A	A	A	A	A	A	A	A	A										A		03-3.2.E
Backyard Bees or Chickens					A	A	A	A	A	A	A	A	A	A	A										A		3-3.2I 3-2J
Temporary Residence		T	T	T																							
Group Living																											
Assisted Living Facility																											
Group Home – Type A		P	P	P	P	P	P	P	P	P	P	P	P	P	P												3-3.2A 3-2A
Group Home – Type B		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR										SR		3-3.2A 3-2A
Shelter, overnight																											
Transitional housing																											
Civic, Cultural, and Public Uses																											
Art, cultural, educational, or other similar exhibits and displays		T	T	T																							
Cemetery																											
Circus, Fair or Carnival, Temporary		T	T	T																							Error! Reference source not found, 3-3.12.C
Circus, Fair or Carnival, Exceeding TUP limits																	SE	SE	SE	SE	SE						
Community Event and Conference Center		SR	SR														P	P	P	P	P	P		SR			
Day care, Day Care Centers																SR	SR										Error! Reference source not

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Farm museum	SE	SE																							found. 3-3.11-B
Farm and gardening classes	P	P																							Error! Reference source not found. 3-3.12-D
Outdoor entertainment and outdoor assembly events including but not limited to festivals and concerts	T	T	T												T	T	T	T							Error! Reference source not found. 3-3.12-D
Outdoor sporting or athletic events	T	T	T												T	T	T	T							
Public park																									
Quasi-public use	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR					
Agriculture and Animal Services																									
Agricultural or Ranch Use	P	P	P	A																					3-3.1A, 3-3.1D 3-3.1D
Biosolids land application	P	P	P																						3-3.1.F
Shelter for agricultural implements and tools used to maintain premises	P	P	A	A																					
Office incidental to the operation of the permitted use	A	A	A																						
Temporary Residence	T	T	T																						
Community Garden																									3-3.1D 3-3.1D
Animal Assisted Therapy Activities	P	P																							
Animal Day Care Facility															P	P	P	P	P	P					3-3.1B 3-3.1B
Animal hospital and veterinary clinic	SE	SE	SE												P	P	P	P	P	P					3-3.1B 3-3.1B
Kennel	SE	SE	SE																						
Commercial Feed Lot	SE																								3-3.1C 3-3.1C
Farm or Ranch Animal Center	P	P	P																						
Flower Farms	P	P																							
Greenhouses, wholesale or retail	P	P															P	P	P						

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Contractors including but not limited to plumbing, heating, and electrical (no outdoor storage)																P	P	P	P	P					Error! Reference source not found.3-3.4.D
Contractors including but not limited to plumbing, heating, and electrical (with outdoor storage)																P			P	P					Error! Reference source not found.3-3.4.D
Specialty Trade Shop, including but not limited to cabinet, electric, plumbing, heating, lithographic and/or printing shops, furniture reupholstering																P	P	P	P				p ^[7]		
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	Error! Reference source not found.3-3.12.B
Recreation																									
Agri-tainment	SR	SR																							
Amateur Motorsports Facility	SR																								Error! Reference source not found.3-3.4.A
Amusement park																									
Ball fields																							P	SE	
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	Error! Reference source not found.3-3.7.A
Health Club															P	P	P	P	P	P	A			P	

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Nature areas, picnic areas, and trails																						P		
Play courts / Playground equipment																						P		
Recreation – Indoor													P		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																							
Heavy equipment repair and fabrication conducted indoors																							P	
Manufacturing, Light															P		P	P						
Manufacturing, Light – Commercial bakery, creamery, bottling plant																							P	
Manufacturing, Heavy																						P		
Processing, packaging, and selling of an agricultural Commodity, no on-site manufacturing of refined product	P	P																						
Processing, packaging, and selling of an agricultural Commodity w/ manufacturing	SR	SR																				P	P	
Repair, rental, and servicing of commodities produced or warehoused in zone district																						P	P	
Wholesale business, storage, or warehousing															P		P	P					P	
Mini-warehouse/self-storage															P	P	P							
Showroom/Warehouse															P	P	P	P						

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Slaughter House																								
Mining																								
Mining, Quarry and Earth Extraction/sand and gravel extraction	SR	SR																			SR	SR		
Office																								
Office – General, executive, professional, and business offices; medical and dental clinics													P		P	P	P	P	P	P				P
Laboratories															P	P	P	P	P					
Research & Development w/ indoor use only																P	P	P	P					
Research & Development w/ outdoor use																SR			P	P				
Restaurants, Bars and Hospitality																								
Bar/Tavern														P		P	P	P	P					P
Bed and Breakfast																								
	SE	SE																						
Guest Ranch	SE																							
Hotel/Motel													P		P	P	P	P	SR					P
Microbrewery													P		P	P	P							P
Nightclub													SR		P	P	P							P
Restaurant – without drive through													P		A	P	P	P	P					
Restaurant – with drive through																P	P	P	P					
Retail and Commercial Service																								
Bank (with or without drive-through)													P		P	P	P	P	P	A				P

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Retail sale of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction																				SE				
Retail, Service														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 mazes, hayrides, haunted houses, and other similar events or uses	T	T	T												T	T	T	T						
Sexually-oriented business																	P	P	P	P				Error! Reference source not found.3-3.6
Swap meets/flea markets	T	T	T												T	T	T	T						Error! Reference source not found.3-3.12.1
Tent/sidewalk sales																T	T	T						Error! Reference source not found.3-3.12.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	Per Approved General, Specific, Preliminary or Final Development Plan	Error! Reference source not found.3-3.8.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		Error! Reference source not found

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Commercial Mobile Radio Facilities (CMRS), Freestanding Not Concealed	P	P	P												P	P	P	P	P	P							found_3-3.8.A Error! Reference source not found_3-3.8.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		Error! Reference source not found_3-3.8.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		Error! Reference source not found_3-3.8.A
Telephone exchanges and similar buildings housing tele-communication equipment																			P	P							Formatted Table
Small Wind Energy Conversion System	P	P	P	P	P	P	P					SE															Error! Reference source not found_3-3.8.B
Transportation																											
Helipad operations															SE	SE	SE	SE	SE	SE		SE					Formatted Table Error! Reference source not found_3-3.10.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 Facilities of a private company	SR	SR																			SR						Formatted Table Error! Reference source not found_3-3.9.A

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Major Public Utility Facility															P	P	P	P	P	P					Error! Reference source not found.3-3.9.A		
Minor public utility facility (distribution substation, underground distribution lines)															P	P	P	P	P	P					Error! Reference source not found.3-3.9.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		5-3.6		
Sewage disposal treatment plant																			P	P					Error! Reference source not found.3-3.9.C		
Small Solar System Facility	SR	SR																	SR	SR					5-3.5		
Water treatment plant																			P	P					Error! Reference source not found.3-3.9.D		
Waste and Recycling																											
Automobile Wrecking/Salvage Junk Yard																										Formatted Table	
Resource recovery operation/recycling facility	P																				P				Error! Reference source not found.3-3.4.1		
Sanitary Landfill, Commercial																						P			Error! Reference source not found.3-3.4.1		
Solid Waste Disposal Site and Facility	P																								Error! Reference source not found.3-3.4.1		

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- [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 [Error! Reference source not found.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 [Error! Reference source not found.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.

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. 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**

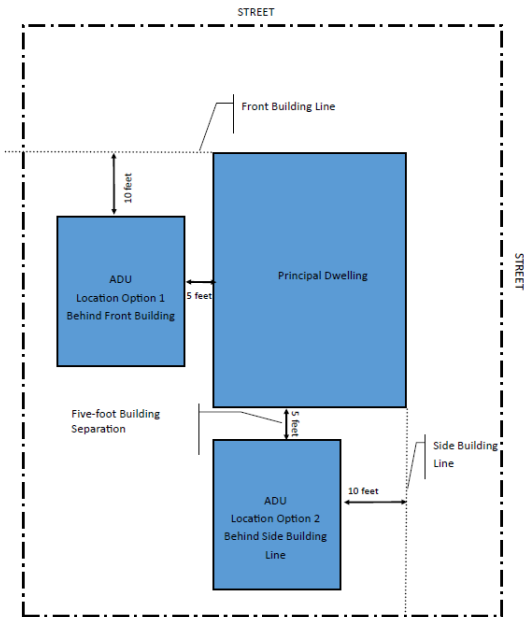
- a. One off-street parking space shall be required for the ADU in addition to the off-street parking required for the principal dwelling unit in accordance with Table 4-1.2.1, Off-Street Parking Requirements By Land Use.
- b. The required ADU parking space may be in tandem with other required spaces.
- 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.

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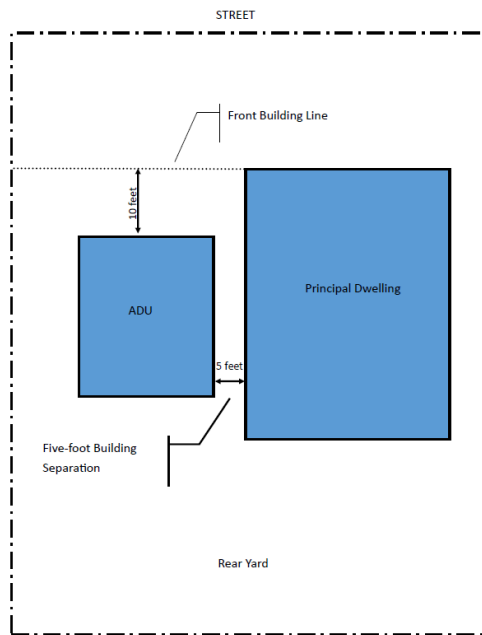
Permitted Uses



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:

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:

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- 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.

Add new subsection to Residential Use section of Code 3-3.2.J:

J. 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. Affordable housing is subject to the standards applicable to the specific residential use type.
2. The County shall approve development incentives described herein to encourage the construction of affordable housing for a residential or mixed-use development which includes any units of affordable housing.
3. To receive development incentives, a residential or mixed-use development must provide at least 10 percent of the total units in a development application as either affordable rental housing or affordable owner housing. However, in the event the Board agrees to reduce the development’s

affordable housing requirements, the quantity of affordable housing required to receive the incentives shall also decline proportionately.

4. Development incentives shall be approved administratively by the Planning Division Manager as part of an Administrative Site Plan.

5. Development Incentives may consist of one or more of ~~two~~ of the following:

Table 3-3.2.2: Affordable Housing Development Incentives

	Tier One	Tier Two
Description	<u>A minimum of 10% of the units are affordable units</u>	<u>A minimum of 50% of total units are affordable units</u>
Density Bonus	<u>10% above the maximum residential density allowed in the zone district</u>	<u>50% above the maximum residential density allowed in the zone district</u>
Increased Height	<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>
Reduced Setbacks	<u>No reductions</u>	<u>Setbacks may be reduced up to 50% of the zone district.¹</u>
Reduced On-site Unobstructed Open Space	<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>
Public Land Dedication for Public Parks	<u>No reduction</u>	<u>Dedication of land or cash-in-lieu is waived for affordable units</u>
Expedited Process	<u>All development with affordable housing qualifies for the two-step Planned Unit Development process</u>	<u>No guest parking is required for affordable units</u> <u>Neighborhood meeting requirements are waived for projects with a minimum of 50% affordable units</u>
Reduced Fees	<u>Planning and Engineering Review Fees shall be reduced by a percentage equal to the percentage of affordable and/or attainable units provided in the development (not to exceed a 50% reduction of the 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>
Reduced Land Use Application Review Timeline	<u>No reduction</u>	<u>1st Review: 20 business days</u>

		<u>Applicant 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</u>
<u>Landscape</u>	-	-
<u>Tree Preservation 4-1.3</u>	<u>No reduction</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>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>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 the International Building Code, as adopted and amended by Arapahoe County; and each applicable fire, plumbing, electrical, and mechanical code in effect on the date a permit is applied for pursuant to each of those codes.</u>		

6. Required Agreements for Developments including Affordable Units

- a. Covenant Restrictions. Residential developments which provide affordable units shall carry deed restrictions, 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 enter into a memorandum of understanding with with Arapahoe County Public Works and Development concerning affordable housing. The memorandum of understanding shall be recorded in the real property records of Arapahoe County Clerk and Recorder's

Office prior to the issuance of a building permits for the property. The memorandum of understanding shall include:

- 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/Planning Division** 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 in exterior finish 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.

7. Violation and Penalty

- a. In the event the County becomes aware of an alleged violation of these regulations and Memorandum of Understanding, 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 in accordance with?????. If no hearing is requested and the violation is not cured within

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thirty (30) days, the Owner shall be considered in violation of these regulations and Memorandum of Understanding. 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

4.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.

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TABLE 4-1.1 AGRICULTURAL AND RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS														
ac = acres; du = dwelling unit; sf = square feet														
	Agricultural					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		R-ME
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		No Min	
Townhome											2,000/du		No Min	
Multi-family													No Min	
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		20	
Townhome											25		16	
Multi-family													20	
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	20 for suburban or 15 for urban unless rear garage then 10	Per Approved Development Plan
Side, each	100	50	25	25	25	25	15	10 ^[10]	5 ^[10]			0	10	
Side, combined										10 ^[7]	8 ^[7]			
Rear	100	50	50	25	25	25	25	20 ^[10]	15 ^[10]	15	10	10	10 unless rear garage then 6	
Side Corner	100	100	50	50	25	25	25	20	20	20	Garage: 20	20		

o Chapter 4:
o: 4-1 Lot and Site Development Standards

Development Guidelines and Standards

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	
												Living area: 15		Same as front
From Public Right-of-way													20	20
Setbacks, Accessory Structure or Use (Minimum) (feet)														
Front	100	100	100 ^[13]	[8]	[8]	[8]	[8]	[8]	20		20		[9]	
Side	100	25	25	15	5	10	10	10			5		5	
Rear	100	25	25	10	10	10	10	20			Garage: 0 Other: 10		5	
Distance between principal structures											Per Fire Code		20	
Building Standards (Maximum) (feet)														
Building Height (feet)														
All DU's	50	50	35	35	35	35	35			38				40
Multi-family														55
Mobile homes													25	
Manufactured homes	35	35											35	40
Building Coverage														
All structures									40% ^[10]	50% ^[10]	60%	70%		No Max
Density (Maximum)														
Dwelling Units per Gross Acre													7	13 DU/AC min to - 35 DU/AC max
Unobstructed Open Space (Minimum)														
Attached DU														20%
Multifamily DU														20%
Not specified														
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														

o Chapter 4:
o: 4-1 Lot and Site Development Standards

Development Guidelines and Standards

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	R-ME
<p>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.</p> <p>[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.</p> <p>[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.</p> <p>[8] Front Building Line of Principal Building</p> <p>[9] Front building line</p> <p>[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.</p> <p>[11] Minimum dimension on any side must be 15 feet</p> <p>[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.</p> <p>[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.</p>												

TABLE 4-1.3 NON-RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS								Formatted Table
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.	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.	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.	25 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.	10 ft.	
Minimum separation between structures	IBC	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.	10 ft.	
Building Standards (Maximum)								
Building Height, including mechanical appurtenances	75 ft.	35 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	
Unobstructed Open Space (Minimum)								
Single story structure	20%	20%	20%	20%	20%	20%	20%	
Each additional story	For each additional story, an additional 5% up to a maximum of 35%							
Minimum Density	35 DU/AC	N/A						Formatted: Font: Bold

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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 ~~4.24-1.2.C.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

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS BY LAND USE	
USE	PARKING STANDARD
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 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	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

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS BY LAND USE	
USE	PARKING STANDARD
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	
<ul style="list-style-type: none"> • Single Family (1) 	2 spaces per dwelling unit
<ul style="list-style-type: none"> • Single Family Attached (1) 	2 spaces per dwelling unit, plus 0.25 guest space per unit
<ul style="list-style-type: none"> • Multi Family Dwelling (1) 	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
<ul style="list-style-type: none"> • Residential development on private roads 	See Section 4.24-1.2.C.2 for additional parking requirements
<ul style="list-style-type: none"> • Accessory Dwelling Unit 	1 space in addition to that which is required for the Principal Dwelling. See section 3-3.2.D.
<ul style="list-style-type: none"> • Affordable Housing (1) 	1 space per dwelling unit
Restaurant	
<ul style="list-style-type: none"> • 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
<ul style="list-style-type: none"> • 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	
<ul style="list-style-type: none"> • Preschool 	1 space per each employee, plus 1 space per five children, plus 5 stacking spaces for loading and unloading
<ul style="list-style-type: none"> • Elementary School 	1 space per employee, plus 1 space per five seats in auditorium/ assembly area

TABLE 4-1.2.1 OFF-STREET PARKING REQUIREMENTS BY LAND USE	
USE	PARKING STANDARD
• 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
<p><u>1. No minimum parking requirements for multi-family residential development, adaptive re-use for residential purposes or purposes which include at least 50 percent of use for residential purposes and affordable housing development in compliance with HB241304.</u></p>	

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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 5.24-1.2.F.2.
- c. The on-street parking accommodation requirement may be modified through the provision for a Parking Reduction Request in Section 34-1.2.B.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)

5-3.3 Planned Unit Development

A.

PURPOSE

The purpose of the Planned Unit Development (PUD) zone district is to allow greater flexibility in development standards of Arapahoe County, prevent monotonous urban landscapes and promote the health, safety and welfare of the citizens of Arapahoe County. The PUD rezoning process allows new design concepts for land development and the ability to adjust to current trends in lifestyle and commerce that could not be achieved by strict adherence to the standards of this LDC. The intent is to create high quality residential, mixed-use or commercial developments and employment centers and to allow greater flexibility in project design in return for greater development quality, amenities, and protection of nearby properties from the impacts of new development. A rezoning to PUD may be approved pursuant to the procedures and approval criteria of this Section, and must generally conform with the Arapahoe County Comprehensive Plan.

B.

APPLICABILITY

1. General Applicability

An application to establish a Planned Unit Development (PUD) may be submitted for land located within any conventional zone district or combination of districts. The approval of a PUD creates a new zone district that replaces the existing zone district or combination of zone districts. The approved PUD establishes the location and character of the uses and the unified development of the tract(s).

2. Transition from Prior PUD Approvals

- a. PUDs and related Preliminary Development Plans (PDP), Final Development Plans (FDP), Master Development Plans (MDP), Administrative Site Plans (ASP), amendments to those documents, and building permits for construction in an existing approved PUD based on those documents, that were approved on or before April 1, 2017, shall remain valid under the previous PUD regulations.
- b. A PDP or FDP approved prior to April 1, 2017 that has a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may be considered an approved SDP. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to SDPs under this Chapter.
- c. A PDP or FDP approved prior to April 1, 2017 that does not have a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may be considered an approved General Development Plan (GDP) under this Chapter. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to GDPs under this Chapter.
- d. Where a PDP or FDP approved prior to April 1, 2017 lists specific permitted uses, the Planning Division Manager may approve a change from those land uses to other land uses within the same general land use category (e.g. single-family residential, multi-family residential, commercial, public) provided that the Planning Division Manager finds that the proposed substitute use is consistent with the intended character of the approved PDP or FDP, does not represent an intensification of the height, density, or traffic, does not create significant adverse impacts on surrounding land uses, and meets all applicable standards of the LDC applicable to the substitute land use.
- e. PDPs and FDPs with valid approvals or permits may be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future applications, permits, and related development shall comply with the requirements of this Code.
- f. Applications filed after April 1, 2017 requesting amendments to PDPs, FDPs, MDPs, and ASPs approved before April 1, 2017 shall be processed in accordance with the amendment procedures in Section [Error! Reference source not found.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%
Residential – Min 10% Affordable Units	?
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 [Error! Reference source not found.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 **Error! Reference source not found.**5-2.2 of this LDC.
- c. When the application is initiated by the Planning Commission or by the Board of County Commissioners, the owner(s) of record and/or contract purchaser(s) shall be notified by certified mail of the intended zone change. The Planning Commission and/or Board of County Commissioners shall comply with posting, publication, and hearing procedures.

3. Public Hearing

- a. A staff report shall be prepared once written comments have been adequately addressed prior to the public hearing. The staff report shall be made available to the applicant and to the public.
- b. The staff report, application as revised, and the comments of the Planning and Engineering Division staff and appropriate referral agencies shall be presented at the public hearing. The written decision or recommendation of the Planning Commission shall be provided to the applicant.
- c. If the application is of a type that requires a hearing before the Board of County Commissioners, then, following the recommendation by the Planning Commission, the staff planner shall schedule the PUD application with the Board of County Commissioners for public hearing and decision. The applicant shall be notified of the hearing date and time.

4. Decision and Findings

- a. The decision-making body shall consider the application and the staff report, comments received from referral agencies and the public, public hearing testimony and other evidence (as applicable) and the applicable approval criteria in this LDC. After consideration and at the public hearing (if applicable), the decision-making body may:
 - I. APPROVE;
 - II. APPROVE WITH CONDITIONS;
 - III. CONTINUE TO A DATE CERTAIN (SUBJECT TO STATUTORY TIME LIMITS);
 - IV. TAKE THE REQUEST UNDER ADVISEMENT TO A DATE CERTAIN FOR A DECISION (SUBJECT TO STATUTORY TIME LIMITS); OR
 - V. DENY THE APPLICATION.
- b. The decision-making body may use standard conditions of approval and standard motions for approval, which incorporate other requirements, conditions, limitations or restrictions.
- c. The decision shall be based upon the evidence presented at the public hearing, the record relating to the application, and applying the standards and criteria set forth in Section [5-3.3F](#) ~~5-3.3.F~~.

E. SPECIFIC PROCEDURES

1. Summary Table of PUD Applications and Decision-Making Authority

Two paths to PUD approval are available. The Two-Step process applies when the proposed development qualifies for the Two-Step procedure as specified in this Land Development Code and the applicant desires, and is able, to submit detailed plans for a specific development to the Board of County Commissioners. The Three-Step procedure applies when the proposed development does not qualify for the Two-Step process as provided in this Land Development Code or the applicant desires, or is able, to only submit general information about anticipated development on the site to the Board of County Commissioners, and in which case the applicant will be required to later obtain approval of a more specific development plan from the Planning Commission before moving forward with the development.

TABLE 5-3.3.2: PUD REZONING PROCESS DECISION-MAKING SUMMARY TABLE			
R = Review D = Decision <> Public Hearing			
Process	Staff	PC	BOCC
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		

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

a. For property predominantly located west of the line shown in Figure 5-3.3-1, a PUD application that meets one of the following three conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:

I. A PROJECT THAT INCLUDES ONLY SINGLE-FAMILY DETACHED RESIDENTIAL DWELLING UNITS LOCATED ON LESS THAN 10 ACRES OF LAND AND HAS A DENSITY NO GREATER THAN SIX DWELLING UNITS PER ACRE.

II. A PROJECT WHERE ALL OF THE FOLLOWING APPLY:

(a) The application includes residential land uses on all or any portion of the site; and

(b) No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and

(c) The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and

(d) The total size of the project is five acres or less in land area; and

(e) No building exceeds 40 feet in height.

(f) A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.

III. A PROJECT THAT INCLUDES ONLY NONRESIDENTIAL USES, PROVIDED THAT NO BUILDING EXCEEDS 40 FEET IN HEIGHT.

iv. Any project including deed-restricted affordable housing units. Refer to Definitions section for what types of projects qualify as affordable.

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.

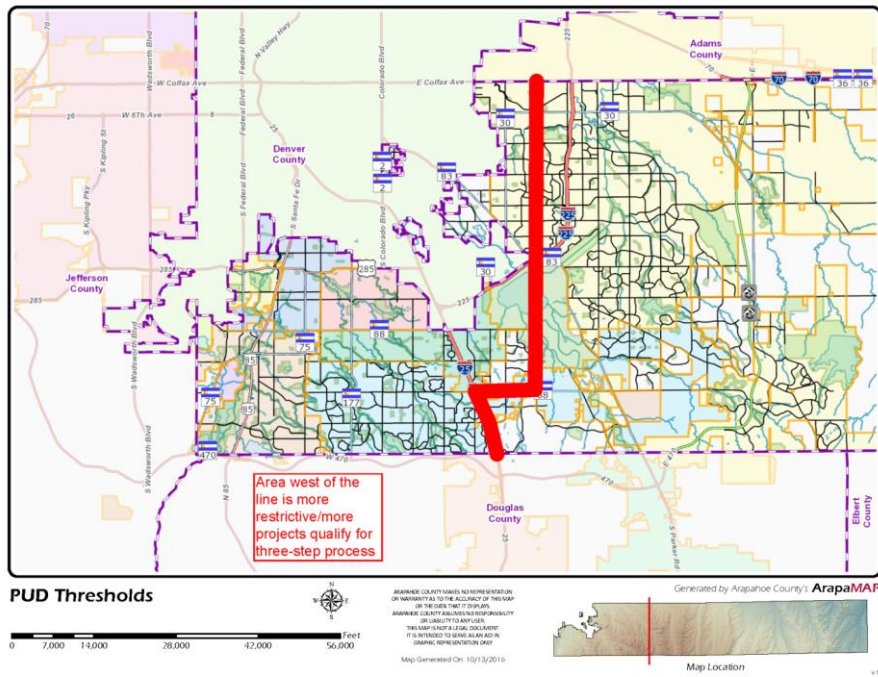
III. A PROJECT THAT INCLUDES ONLY NONRESIDENTIAL USES, PROVIDED THAT NO BUILDING EXCEEDS 40 FEET IN HEIGHT.

iv. Any project including deed-restricted affordable housing units. Refer to Definitions section for what types of projects qualify as affordable.

- c. All other projects shall be reviewed through the Three-Step PUD review process.
- d. Even if a PUD application is eligible under subsection [5-3.3.E.2.a](#) or [5-3.3.E.2.b](#) above, the Planning Division Manager or designee may determine that the PUD application is of a size, intensity of use, or location that may result in environmental, utility, transportation or service delivery impacts that require preliminary analysis before a more detailed site design is considered, and that the Three-Step PUD process is required.

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)



3. Two-Step Process

When an applicant can provide a high level of detail about the proposed PUD and the proposed development qualifies for the Two-Step process as specified in this LDC, a Two-Step process can be used. The first step in the two-step process is approval of

Specific Development Plan (SDP), which establishes the specific land uses and development standards that will govern future development of the property. The second step is approval of an Administrative Site Plan consistent with the approved SDP. The applicant must obtain approval for an Administrative Site Plan (ASP) consistent with the SDP before obtaining a building permit and proceeding with development. Preliminary technical reports and conceptual engineering documents are required for the Two-Step PUD process. Applications that do not meet the submittal requirements contained in subsection ~~5-3.3E.3.b.15-3.3.E.3.b.1~~ below will be treated as applications for a General Development Plan and will be eligible to be processed through the Three-Step PUD process described in Section ~~5-3.3E.45-3.3.E.4.~~

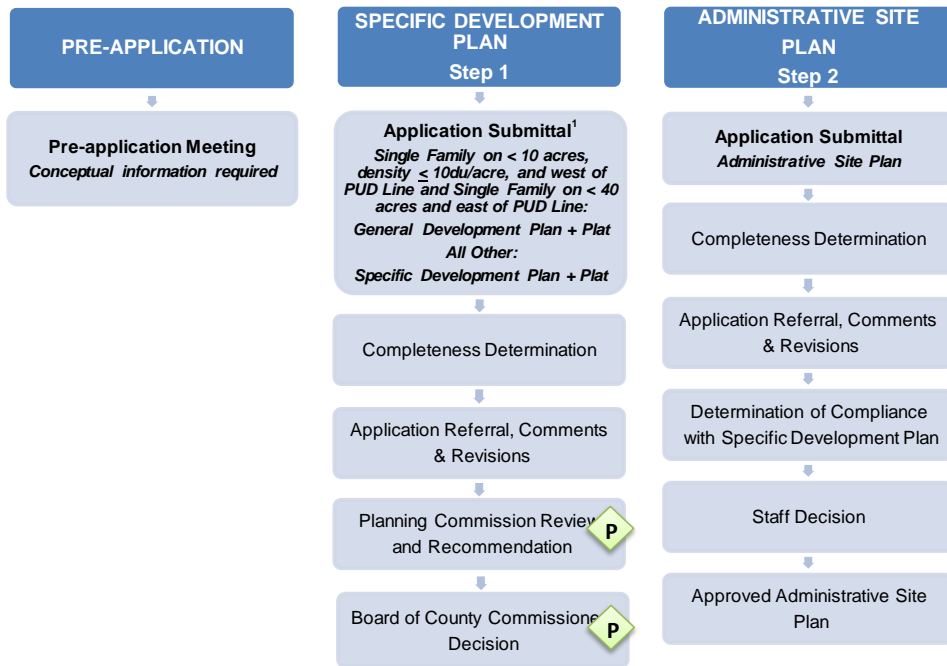
a.

Flowchart

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

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

NOTES:
P = Public Hearing
[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.
[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan.



b. Step One - Specific Development Plan (SDP)

I. SDP APPLICATION

An application for a PUD rezoning in the Two-Step review process shall submit the information and documents required for Specific Development Plans as specified in the Development Application Manual.

II. SDP REVIEW AND APPROVAL

An application for an SDP shall be processed in accordance with the General Procedures detailed in Section ~~5-3.3D5-3.3-D~~ above and the following requirements:

- (a) Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section [5-3.3E5-3.3.F](#), and referral agency comments.
- (b) The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section [5-3.3E5-3.3.F](#).
- (c) The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section [5-3.3E5-3.3.F](#).

c. **Step Two – Administrative Site Plan (ASP)**

I. **ASP APPLICATION**

- (a) An application for an ASP may be filed only after the approved SDP documents are submitted to the Planning Division and all required signatures are obtained. At staff's discretion, an applicant may submit an ASP concurrently with an SDP.
- (b) An application for an ASP shall be made in accordance with the requirements of Section [Error! Reference source not found.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 [Error! Reference source not found.5-2.1.B](#).

4. **Three-Step Process**

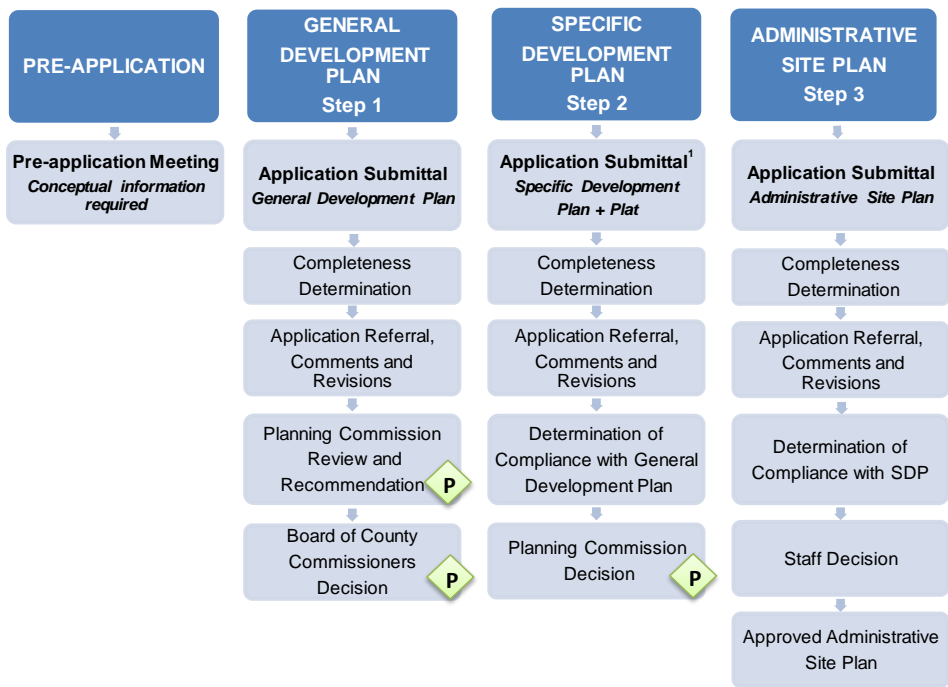
Where an applicant cannot satisfy the eligibility criteria for the Two-Step process in Section 5-3.3.E.2, is not able to provide the high level of detail about the proposed PUD required to qualify for the Two-Step review process, as described in Section [5-3.3E.25-3.3.E.2](#), or cannot provide the level of detailed application materials required in subsection [5-3.3E.3.b.i5-3.3.E.3.b.i](#), the Three-Step process must be used. The first step in the three-step process is approval of a General Development Plan (GDP) that establishes the general framework for land uses, site layout, development density/intensity, relationship to existing roadways and infrastructure. The second step is approval of a Specific Development Plan (SDP) consistent with the approved GDP. The third step is approval of an Administrative Site Plan (ASP) consistent with the SDP.

a. **Flowchart**

Figure 5-3.3-3 shows the review steps for rezoning to PUD when the Three Step process applies.

Figure 5-3.3-3 Summary of Procedure for PUD Three-Step Review Process

NOTES:
 P = Public Hearing
 [1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.
 [2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan. See section 5-2.3.B.1 for minor and major amendment criteria.



b. Step One - General Development Plan (GDP)

I. GDP APPLICATION

An application for a PUD rezoning using the Three-Step review process shall submit a GDP that meets the requirements of this LDC and the Development Application Manual.

II. GDP REVIEW AND APPROVAL

Approval of a GDP is the first step in the PUD Three-Step review process. An application for a GDP shall be processed in accordance with the General

Procedures detailed in Section ~~5-3.3D5-3.3.D~~ above and the following requirements.

- (a) **Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section ~~5-3.3E5-3.3.F~~, and referral agency comments.**
- (b) **The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section ~~5-3.3E5-3.3.F~~.**
- (c) **The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section ~~5-3.3E5-3.3.F~~.**

c. **Step Two - Specific Development Plan (SDP)**

I. **SDP APPLICATION**

The application submittal for an SDP based on an approved GDP shall be the same as required for the Two-Step PUD SDP in subsection ~~5-3.3E.3.b.i~~~~5-3.3.E.3.b.i~~, with the following exceptions:

- (a) **If the SDP application is made within one year of the date of approval of the GDP, any information and exhibits submitted for the General Development Plan do not need to be re-submitted unless there has been a change in condition on the PUD site.**
- (b) **The application shall include letters from all off-site service providers stating that there has been no change in the service provider's ability to serve the site and proposed development.**

II. **SDP REVIEW AND APPROVAL**

An SDP approval is the second step in the Three-Step review process. An application for an SDP shall be processed in accordance with the General Procedures detailed in Section ~~5-3.3D5-3.3.D~~ above, and the following requirements:

- (a) Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
- (b) The Planning Commission shall conduct a public hearing and make a decision based on the approval criteria in Section ~~5-3.3E~~~~5-3.3.F~~ below.

d. Step 3 - Administrative Site Plan (ASP)

I. ASP APPLICATION

- (a) An application for an ASP may be filed only after the approved SDP documents are submitted to the Planning Division and all required signatures are obtained. At staff's discretion, an applicant may submit an ASP concurrently with an SDP.
- (b) An application for an ASP shall be made in accordance with the requirements of Section ~~Error! Reference source not found.~~~~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 ~~Error! Reference source not found.~~~~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 ~~5-3.3F~~~~15-3-3.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 ~~5-3.3D.25-3.3.D-2~~, NOTICE REQUIREMENTS.
 - V. THE BOARD'S ACTION ON ANY REQUEST FOR REVIEW OF THE PLANNING COMMISSION'S DECISION SHALL CONSIDER THE RECORD DEVELOPED AT THE 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 ~~5-3.3G.25-3.3.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

360 Degree Architectural Treatment

Building materials, color schemes and rooftop screening which is identical on all sides of a structure, and which encloses loading docks and other service areas.

Abutting

Having a common property line or district line with an adjacent property.

Access Drive

A street or right-of-way providing ingress and egress to properties adjacent to a regional thoroughfare, arterial street, or major collector street.

Accessible

When used in connection with accommodation for disabled persons refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or safely and with dignity by a person with physical disability.

Accessory Buildings

Accessory uses and structures are not permitted unless and until the principal permitted use has been established on the property.

- A. Accessory buildings greater than 120 square feet in size and/or 10 feet in height shall observe all yard and height requirements.
- B. Except as otherwise allowed in this Code, structures constructed for accessory uses shall not be used for dwelling purposes.
- C. Except for agricultural usage only and except as allowed in Section 3-3.2.D, Accessory Dwelling Unit, accessory structures shall not exceed 10 percent of the lot area or a maximum of 1,000 square feet, and a maximum building height of 15 feet.

Accessory Dwelling Unit (ADU)

A secondary subordinate dwelling unit that is added to, created within or adjacent to a detached single-family dwelling unit on a lot or parcel and that includes a kitchen, bathroom, and sleeping quarters.

Accessory Use or Structure

A use or structure (exceeding 120 square feet) subordinate to the principal structure or use which serves a purpose customarily incidental to the principal use.

Accident Potential Zone (APZ) I

An area beginning at the outer edge of the Buckley Air National Guard Base Clear Zone, 3,000 feet wide by 5,000 feet long, in which the potential for aircraft accidents, while being less than the accident

potential on the Base environs, is considered measurable enough for the purposes of these Regulations to warrant certain land use restrictions to be placed on lands lying within this Zone.

Accident Potential Zone (APZ) II

An area beginning at the outer edge of the Buckley Air National Guard Base Accident Potential Zone I, 3,000 feet wide by approximately 7,000 feet long together with a triangular-shaped area at the westerly edge of the 7,000 measurement which is 5,500 feet wide at the base by 7,300 feet long, all as depicted in Figure 3-1 of the June 1998 AICUZ, in which the potential for aircraft accidents, while being less than the accident potential of APZ I, is considered measurable enough for the purposes of these Regulations to warrant certain land use restrictions to be placed on lands lying within this Zone.

Acre, Gross

An area in any shape containing 43,560 square feet.

Addition

As used in Section [Error! Reference source not found.4-3](#), Floodplain Management, means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adjacent Land

See Adjoining Lot or Land.

Adjoining Lot or Land

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Administration

Of or pertaining to the performance of executive or managerial functions of an organization complying with the definition of a public facility.

Administrative Site Plan (ASP)

A plan that meets the requirements of Sections 5-3.3, Planned Unit Development, and [Error! Reference source not found.5-4.1](#), [Error! Reference source not found.Administrative Site Plan](#), as applicable. As applied to a Development Plan Approved prior to April 1, 2017 ASP also means the final step in the Master Development Plan process.

Adult Arcade

An establishment where, for any form of consideration, one or more still or motion picture projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical area.

Adult Bookstore (Also Adult Novelty Store Or Adult Video Store)

A commercial establishment which devotes a substantial portion of its stock-in-trade or interior floor space to the promotion of or the sale or rental of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, CD-ROMS, slides or other visual, digital, or electronic representation, or novelty items, which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas". For purposes of this

definition, 20 percent or more of an establishment's stock-in-trade or 250 square feet or more of an establishment's interior floor-space are presumptively "substantial or significant."

Adult Cabaret

A nightclub, bar, restaurant, "pop shop", or similar commercial establishment which features:

- A. persons who appear nude or in a state of nudity
- B. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or,
- C. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Day Care Center

See Day Care Center, Adult.

Adult Day Care Home

See Day Care Home, Adult.

Adult Motel

A motel, hotel or similar commercial establishment which: a) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertise the availability of this sexually oriented type of material by means of a sign visible from the public right-of way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; or, b) offers a sleeping room for rent for a period of time less than 10 hours, or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

Adult Motion Picture Theater

A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theater

A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical area" or by "specified sexual activities."

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.

Agricultural Animal

Cattle, sheep, llamas, goats, swine, mules, poultry, horses, alternative livestock as defined by Colorado Statutes (e.g. elk) and such domesticated animals as fox, mink, chinchilla, beaver and rabbits, and large birds/poultry such as emu, rhea or ostrich, except dogs and cats that are used for working purposes on

the farm or ranch, and any other animal designated by the State Agricultural Commissioner, which animal is raised for food or fiber production.

Agricultural Animal, Small, Non-Commercial

Chickens, geese, other small poultry, bees, and/or rabbits, kept only for the private use of the residents of the property where the animals are raised and not for commercial purposes.

Agricultural Building

A structure on agricultural land designed, constructed and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term shall not include dwellings.

Agricultural And Livestock Products

Plant or animal products in a raw or unprocessed state that are derived from the science and art of agriculture, regardless of the use of the product after its sale and regardless of the entity that purchases the product.

Agriculture

The science and art of production of plants and animals useful to man, including, to a variable extent, the preparation of these products for man's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, diary, livestock, poultry, bee and any and all forms of farm products and farm production.

Agriculture, Non-Commercial

The production of crops and livestock for consumption entirely on the premises.

Agri-tainment

A for profit business operation, located and operated on A-E or A-1 zoned agricultural property that is specifically approved as a use-by-special review in that zone to provide educational and/or entertainment opportunities to its patrons in an agriculturally oriented environment by way of activities, events, demonstrations, displays, interactive participation, tours, lectures, and/or the sale of agriculturally related products. Characteristic uses permitted in an agri-tainment USR include but are not limited to:

- A. Animal petting zoo and farm animal centers
- B. Bed and breakfast
- C. Camps
- D. Community Event and Conference Center
- E. Country store/craft shop
- F. Cultural, special event, and religious festivals
- G. Educational activities and programs
- H. Farm tours
- I. Farmers market (year round)
- J. Farmhouse restaurant
- K. Farm-life activities and entertainment
- L. Guest ranch/farm house lodging
- M. Thematic vacations or events

N. Winery operations

Accessory uses to agri-tainment may include: parking associated with an approved use, concession stands, pick your own produce, play grounds and activity fields for guests and visitors to the farm, and signage in compliance with the Signage regulations.

Aircraft-Related Recreational Facility

A public or private facility, including structures and/or takeoff and landing areas designed and intended to provide flight training, ground school, sales, maintenance and/or repair for such uses as hot air balloons, ultralight aircraft, hang gliders, and similar uses as determined by the Zoning Administrator.

Airport Influence Area

An area within the unincorporated portions of Arapahoe County, proximate to an airport, which is recognized by the Board of County Commissioners as containing lands which are expected to be significantly affected by noise and/or safety hazards associated with aircraft operations associated with said airport. For purposes of these regulations, the airport influence area shall be the outside boundary of the 55 Ldn contour for that airport.

Alley

A minor right-of-way, dedicated to public uses, which gives a secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public utility access.

Alter

To change any of the supporting members of a building such as bearing walls, columns, beams or girders.

Amateur Motorsports Facility

A facility with supporting and accessory structures designed and operated primarily for amateur motorsports uses. Motorsports uses include but are not limited to driving motor vehicles, motorcycles or bicycles on defined tracks for practice, education, recreation or amateur competition; storage, maintenance, adjustment or repair of vehicles to be used on racetracks; and similar uses as determined by the Zoning Administrator. Competition is considered amateur if drivers are not remunerated based on performance, but this shall not preclude the occasional offering of reimbursement money which does not exceed total competitor entry fees for events.

Animal Assisted Therapy Activities

Human interaction with animals of species known to be generally typical of farm and ranch environments for an explicit therapeutic purpose.

Animal Day Care Facility

Any facility licensed by the State of Colorado where animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, sold or let for hire. The use must be completely enclosed except that outdoor runs or other areas in which dogs will be allowed outside of an enclosed structure off leash (hereinafter "outdoor run") are allowed between the hours of 6:30am and 9:00pm. Outdoor runs that would be less than 300 feet from a residential zoned property are prohibited. The

building shall be soundproofed such that no noise generated by the use is perceptible at the property line.

Animal Hospital

Structure for the care and recuperation of ill or injured animals. Animal hospitals shall not be located closer than 100 feet from any residential district or restaurant, hotel or motel in any district. Adequate measures and controls will be required to prevent offensive odor and noise.

Animated Sign

Any sign, or any part thereof, which changes physical position by means of movement or rotation.

Antenna

A metallic apparatus used for sending and/or receiving electromagnetic signals.

Antenna (CMRS)

An exterior transmitting or receiving device used in telecommunications that radiates or captures CMRS signals. "Antenna" as used in this section does not include radio or television towers or transmitters.

Antenna, Attached (CMRS)

An antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole or a support structure other than an antenna tower.

Antenna, Concealed (CMRS)

An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include antennas mounted on manmade trees, clock towers, flag poles, light structures, steeples, buildings, and similar objects.

Antenna Tower (CMRS)

A freestanding structure, including monopole, guyed and lattice towers, designed and constructed primarily to support antennas and transmitting and receiving equipment.

Antenna Tower Height (CMRS)

The distance from the finished grade at the antenna tower base to the highest point of the tower. Overall antenna tower height includes the base pad, mounting structures and panel antennas but excludes lightning rods and whip antennas.

Antenna Tower, Temporary (CMRS)

A CMRS facility designed for use while a permanent CMRS facility or network is being designed or built or for a special event where many people attending are CMRS users.

Apartment Unit

One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

Approach Zone

An area beginning at the outer edge of the Clear Zone defined by FAA approved Airport Layout Plans; the main purpose being to facilitate the arrival and departure of aircraft utilizing the aviation facility.

Appurtenant Retail Uses

Retail uses located within office buildings which are intended to provide a service primarily for the occupants of said office building, and which are not allowed exterior advertising. Such uses may include a sandwich shop, barber/beauty shop, snack shop/restaurant, day care, etc.

Architectural Treatment, 360 Degree

See 360 DEGREE ARCHITECTURAL TREATMENT.

Area of State Interest

Pursuant to Article 65.1 of Title 24 C.R.S. as amended (House Bill 1041-1974), an area identified by the Board of County Commissioners as warranting State review of land use decisions.

Assisted Living Residence

A residential facility that makes available to three or more persons, not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a 24-hour basis, but not to the extent that regular 24-hour medical or nursing care is required as defined under CCR 1011-1.

Attainable Housing

Housing that addresses the housing needs of households that earn less than 120 percent of the Area Median Income (AMI), and where monthly housing costs are not more than 30 percent of the household's monthly income.

Auto Detailing

A commercial business cleaning the exterior and/ or interior of motor vehicles as a restorative process for the vehicle.

Automobile Service Station

A facility in which the sale of automotive fuel or other petroleum products is the primary and principal activity and constitutes a substantial or significant portion of the goods offered and or services rendered. Minor automobile repair may be performed on premises. A service station may include accessory uses such as a convenience store, a single bay fully-automated vehicle wash, and/or fast-food restaurant subject to compliance with all applicable provisions of the County Land Development Code.

Automobile Wrecking/Salvage Yard

An area where the business of auto wrecking and dismantling and the storage, sale or dumping of dismantled, obsolete, or wrecked vehicles or their parts, which may also include auto shredding and crushing services, is conducted.

Banner

A temporary sign that is not attached to a permanently mounted backing and/or that is allowed to wave, flap or rotate with the wind.

Bar/Tavern

An establishment primarily devoted to the serving of alcoholic beverages by the drink and in which the service of food is only incidental to the consumption of such beverages.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the “one-percent chance flood,” “100-year flood,” or “one-hundred-year flood.” These terms do not imply that the flood will necessarily happen once every 100 years.

Base Flood Elevation (BFE)

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH , AR, AR/A, AR/AE, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement

As used in Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), means any area of a building having its floor subgrade (below ground level) on all sides.

Batch Plant, Temporary

See TEMPORARY BATCH PLANT. Also, for comparison, see TEMPORARY CONCRETE and/or BATCHING PLANT.

Bed And Breakfast

A Bed & Breakfast is a single-family dwelling having a mixed use as a home for the residential owner and as an accessory use for guest lodging including meals. The home is to be the primary and legal residence of the owner.

Bee

Any stage of the common domestic honey bee, *Apis mellifera* species. Does not include Africanized bees and hybrids.

Berm

Mound of earth used for screening, definition of space, noise attenuation and decoration in landscaping.

Best Management Practice (BMP)

Practices that are designed to prevent or reduce impacts caused by oil and gas operations to air, water, soil, or biological resources, and to minimize adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

Biosolids

The accumulated treated residual product resulting from a domestic wastewater treatment works. Biosolids does not include grit or screenings from a wastewater treatment works or commercial and industrial septage or on-site wastewater treatment systems regulated under Article 10 of Title 25 of the Colorado Revised Statutes, as amended. Biosolids does not include any septage or sewage as defined in these regulations. Reference CRS 25-8-103(1.4).

Block

A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural or vacant land or drainage channels or a combination thereof.

Board of County Commissioners

Board of Commissioners of Arapahoe County, Colorado.

Boarding House

A building or portion thereof which is used to accommodate, for compensation, three or more boarders, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" is money, services or other things of value.

Broadcast Tower Facility

A facility consisting of antennae, typically for AM and FM radio and/or VHF or UHF transmissions, an equipment building, manned or unmanned, and a guyed or self-support tower(s) and related field facilities. Each facility is intended to provide coverage to a geographic area subject to the limitations of the provider FCC license.

Building Code

The Uniform Building Code of Arapahoe County.

Building Envelope

An area of land within a buildable lot within which all site structures, buildings, and other hardscape elements shall be contained, except driveways. The building envelope also includes any building overhangs, eaves, protruding architectural features (e.g., bay windows, chimneys), and similar features.

Building Front

One exterior wall of the building typically facing a front line of a lot; or in the event that the primary entrance is located on an exterior wall which is not the front line of the lot, the building front shall be the exterior wall containing the primary entrance to the building.

Building Line, Rear

A line parallel to the rear property line at the first vertical wall adjacent to the minimum required rear yard setback.

Building Line, Side

A line parallel to the side property line at the first vertical wall adjacent to the minimum required side yard setback. This line can be perpendicular to the front and rear yard building lines

Buffer

A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact, or to provide for future public improvements or additional open space.

Buffer Zone

An area that experiences high volumes of aircraft overflights. Residential and other noise sensitive uses are considered incompatible here. Building height must comply with FAR 77 surface criteria, existing or future, whichever is more restrictive.

Building

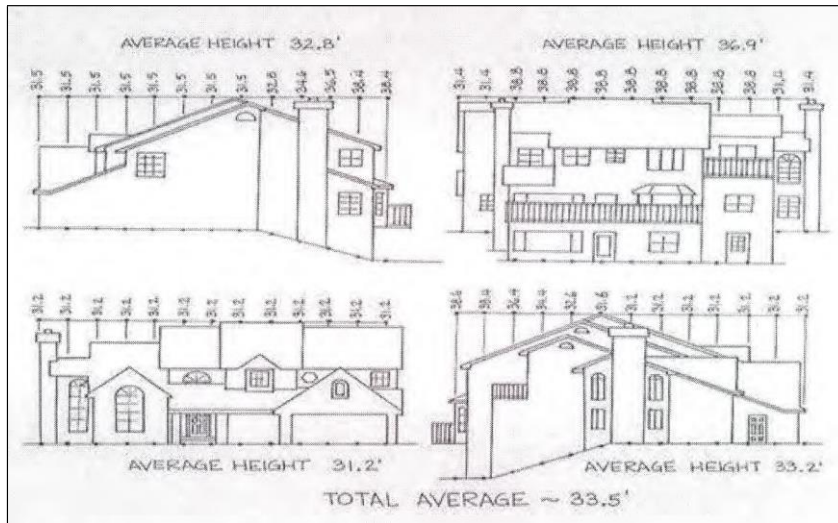
Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind (not including fences), having one or more floors and a roof, and permanently affixed to the ground.

Building Envelope

The portion of a lot within applicable setback requirements where building construction will be permitted.

Building, Height of

The vertical distance from the average finished grade immediately adjacent to the structure to the highest point of the structure, including rooftop appurtenance.



Building Line, Front

A line parallel to the street (front lot line) and the required front setback that is the first vertical wall of the principal building on the property.

Building, Main

A building in which is conducted the principal permitted use of the lot on which it is situated.

Camps

Day camps and overnight camping in a supervised environment licensed by the State of Colorado.

Candela

A unit of measure defining the intensity of a ray of light at a given angle.

Canopy

An accessory roof-type structure which is permanently affixed to the ground and typically not enclosed. As accessory structures these structures would be exempt from the minimum distance requirements between structures. These structures must meet all other minimum yard requirements within the zoning district.

Car Wash

A commercial business using self-service, in-bay automatic or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation or as a stand-alone operation, of any type, on a commercial basis and shall include fleet and municipal in-bay automatic and conveyor vehicle wash facilities.

Caretaker's Residence

A dwelling unit or mobile home accessory to a principal use in any one zone district designed and intended for occupancy by a person(s) owning, employed in, or dealing with and responsible for the security and maintenance of the principal use.

Catering Service

An establishment in which the principal use is the preparation of food and/or meals on the premises, and where such food and meals are delivered or taken to another location for consumption.

Cemetery

Land used or dedicated for the burial of the dead, including such accessory uses as mortuaries, sales of burial plots, mausoleums, columbarium's, crematoriums and maintenance facilities.

Central (Community) Sewer System

A system or facility for treating, neutralizing, stabilizing, or disposing of sewage, which system or facility has a designed capacity to receive more than 2,000 gallons of sewage per day, but not including an on-site wastewater system (individual sewage disposal system). The term "central sewer system" includes appurtenances such as interceptors, collection lines, outfall and the outlet sewers, pumping stations, and related equipment.

Central (Community) Water System

A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, and which serves at least 15 service connections used by year-round residents of the area served by the system; or that regularly serves at least 25 year-round residents.

Channelization

The artificial creation, enlargement or realignment of a drainageway.

Check Cashing Facility

A commercial business that provides personal or business check cashing services and may include personal loans and/or payment services to individuals.

Child Care Center

A facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and centers for mentally retarded children and those facilities which give 24-hour care for dependent and neglected children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or

parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

Child Care Home, Large

A dwelling unit used for the purposes of providing care for seven to 12 children.

- A. Child care may be provided to children from 24 months to 13 years of age. This does not prohibit the care of children ages 13 to 18.
- B. Care may be provided to no more than two children under the age of two whether or not other siblings are in care.

Church

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Closed-Loop Drilling System:

A system of equipment used to separate drilling cutting solids from the mud stream. The solids are placed in containment located on the drilling site. A closed loop drilling system does not include the use of any conventional reserve drilling pit.

Cluster Development

A type of land use design concentrating development in one or more areas of the project and allowing for a reduction in lot size below minimum requirements when compensating amounts of open space are provided within the proposed project.

CMC

CMC shall mean the Colorado Marijuana Code, C.R.S. Section 44-10-101 *et seq.*, as amended.

CMRS

See COMMERCIAL MOBILE RADIO SERVICE (CMRS).

CMRS Facility

See FACILITY, CMRS.

Co-Development (CMRS)

Two or more CMRS providers working together to develop a single CMRS facility.

Co-Location (CMRS)

Locating wireless communications equipment for more than one CMRS provider on a single structure.

Code of Federal Regulations (CFR)

The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government.

Colony

A beehive and its equipment and accessories, including bees, comb, honey, pollen, and brood.

Commercial

For the purposes of Section [Error! Reference source not found.3-3-5](#), [Error! Reference source not found.](#) Marijuana Land Uses, commercial shall mean for purposes of obtaining a profit or remuneration.

Commercial Feed Lot

Any tract of land, structure, pen or corral where livestock are kept in close quarters for the purpose of feeding such livestock in order to fatten for sale or slaughter.

Commercial Mineral Deposit

A natural mineral deposit for which extraction by an extractor is or will be commercially feasible and which it can be demonstrated by geologic, mineralogical, or other scientific data that such deposit has significant economic or strategic value to the area, state or nation.

Commercial Mobile Radio Service (CMRS)

Telecommunications services, including cellular telephone, personal communications service (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, wireless Internet access and similar commercial services.

Commercial Office

A room or group of rooms used for conducting the affairs of a business, profession, service industry or government, and some limited and accessory sales of products, but not including residential uses.

Commodity

An article of trade or commerce, especially an agricultural or mining product that can be processed and resold.

Community Garden

Land managed by a group of individuals for the purpose of the cultivation of fruits, vegetables, plants, flowers or herbs.

Compatible Architectural Treatment

The use of colors, materials and general architecture in the exterior design of structures to ensure that said structures are suitable, harmonious and in keeping with the general appearance and/or style of existing adjacent development.

Completion Activities

The activities for the process of making a well ready for production or injection. These activities principally include preparing the bottom of the hole to the required specifications, running in the casing, cementing, perforating, as well as hydraulic fracturing, also known as fracking, and flowback.

Comprehensive Plan

The Comprehensive Plan and amendments thereto for Arapahoe County which has been officially adopted to provide development policies for current and long range development within the County and which may include, but not be limited to, the plan for land use, land subdivision, circulation, and community facilities.

Concession Stands

Selling products at multiple sites within the venue, erected as necessary by property owner and/or by individual vendors.

Concrete and/or Batching Plant, Temporary

See Temporary Concrete and/or Batching Plant. For comparison, also see Batch Plant, Temporary.

Concrete, Mortar and Asphalt Batching Operations

A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar and asphalt.

Conditional Letter of Map Revision (CLOMR)

FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a drainageway or other flooding source and thus result in the modification of the existing FEMA regulatory floodplain, floodway, the effective Base Flood Elevations (BFEs), and/or the Special Flood Hazard Area (SFHA). The letter does not revise an effective Flood Insurance Rate Map (FIRM); it indicates whether the resulting floodplain from the project, if built as proposed would result in a FIRM change.

Condominium

A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Confined Animal Feeding Operation ("CAFO")

A confined animal or poultry growing operation (facility) for meat, milk, or egg production or stabling wherein livestock are fed at the place of confinement for 45 days or longer in any 12 month period and crop or forage growth is not maintained in the area of confinement. For purposes of this LDC, "confined animal feeding operations" includes animal feeding operations consistent with this definition and all related animal waste treatment or collection facilities that are regulated by the Colorado Department of Public Health and Environment pursuant to the Confined Animal Feeding Operations Control Regulations, 5 CCR 1002-81, as amended, or any superseding regulations.

Construction, Start of

See START OF CONSTRUCTION.

Contiguous

Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

Conservancy Lot

A large, privately owned lot constituting part of a conservation area in a rural cluster development. The purpose of the conservancy lot is to provide surrounding residents with visual access to open space land while keeping the land under private ownership and maintenance. Only a limited portion of any such lot shall be developed; the remainder shall be protected through conservation easements or other types of deed restrictions, and may be used only in conformance with this Code's standards for conservation areas. Public access to conservancy lots is not required.

Conservation Area

The land set aside in a rural cluster subdivision and permanently preserved, through a conservation easement or other County-approved mechanism, for conservation, agricultural, or other low-impact uses as allowed by this Code. The conservation area is typically contained in delineated tracts, as shown on the approved Cluster Subdivision Plat, but may also be contained within conservancy lots, as defined herein.

Conservation Easement

A recorded deed restriction under which a property owner retains title to real property but gives up some or all of the development rights associated with it, the terms and restrictions of which are specified in a conservation easement document for the property. For a conservation easement to be recognized under federal law, the easement document must transfer the rights to enforce property restrictions to a qualified conservation organization or government agency.

Construction, New

See New Construction.

Control

A fully automatic device, which can turn on, off, or dim lights at predetermined times. A control includes, without limitation, an astronomical time clock, photocell, motion detector and dimmer.

Convenience Commercial

A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.

Convenience Store

A small commercial establishment selling packaged food and other convenience items, which may include gasoline and/or a single-bay, fully-automated vehicle wash facility as an accessory and clearly secondary or subservient use to the convenience store, and having a gross floor area of less than 3,000 square feet.

Country Clubs, Golf Courses

- A. Buildings shall be set back a minimum of 100 feet from any property line.
- B. Facilities such as restaurants and bars may be permitted when occupying an integral part of a main structure and there is no exterior display or advertising.
- C. Swimming pools, tennis courts, etc., shall be located not less than 25 feet from any property line.
- D. Access to golf "driving ranges" shall be located on arterial or collector streets. Floodlights used to illuminate the premises shall be so directed and shielded so as to not be an annoyance to any developed residential property or constitute a traffic hazard.

Country Store And Craft Shops

Facilities that provide an opportunity for visitors to purchase merchandise and agriculturally related products or items.

CPW

The Colorado Parks and Wildlife Division of the Colorado Natural Resources Department.

Crematorium

A location containing properly installed, certified apparatus intended for the act of cremation of remains.

Critical Facility or Critical Facilities

A structure or related infrastructure, but not the land on which it is situated, as further defined and specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado effective January

14, 2011, adopted by the Department of Natural Resources, Colorado Water Conservation Board, and adopted herein by reference, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the County at any time before, during and after the flood. See Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#).

Damage, Substantial

See Substantial Damage.

Day Care Center

An establishment used for the purposes of providing care for eight or more children under the age of 16 years, who are not related to the owner, operator or manager thereof, for less than a 24 hour consecutive period.

Day Care Center, Adult

A non-residential, protective facility specializing in providing activities and socialization for the elderly and/or disabled adults. Care is generally provided during daytime hours, but less than a 24-hour consecutive period, with a variety of planned program activities.

Day Care Home

A dwelling unit used for the purposes of providing care, for compensation, of children under the age of 16 years, who are not related to the owner, operator or manager thereof, for less than a 24-hour consecutive period.

Day Care Home, Adult

A dwelling unit used for the purposes of providing care for, and specializing in the special needs of, elderly and/or disabled adults who are not related to the owner of the dwelling/resident manager of the day care home, for compensation.

De-annexed Land

A land area which had been located within a municipality pursuant to a void annexation ordinance as determined by Final Judgment pursuant to Section 31-12-117, C.R.S., as amended.

Decibel

Logarithmic unit used to measure sound level. The symbol for the unit is dB.

Deed Restriction

Clauses in a deed limiting the future uses or enjoyment of a property. Deed restrictions may impose a vast variety of limitations and conditions; for example, they may limit the density of buildings and dictate the types of structures that can be built.

Density

The average number of families, persons or dwelling units per unit of land. In these Regulations, density is normally expressed as the number of dwelling units per gross acre.

Designated Outside Activity Area

Any existing public outside venue or recreation area, such as a park, playground, improved sports field, improved amphitheater or other facility for outdoor public assembly or recreation. Open space areas and open space buffers created through a PUD approval process are excluded from this definition.

Development

When used in Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials located within the floodplain.

Development, New

See New Development and Redevelopment.

Development Plan

Any plan for new or ongoing development or production of oil or gas resources or production at one or more Oil and Gas pads, consistent with the requirements of COGCC's Rule 303 or Rule 314.

Digital Flood Insurance Rate Map (DFIRM)

A digital version of the Flood Insurance Rate Map (FIRM). The DFIRM is also the regulatory floodplain map for FEMA for insurance and floodplain management purposes, same as the FIRM.

Disconnected Land

A land area which was located within the boundaries of a municipality and has been disconnected from said municipality by Final Court Decree pursuant to Section 31-12-119, or 31-12-603, or 31-12-704, C.R.S., as amended, or by any other legal theory.

Dish-Shaped Antennas

Considered accessory structures in all zoning districts, used for the reception of television, microwave and/or cable TV, shall meet accessory structure setback and maximum height requirements within each zoning district.

Disposition

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one of the foregoing

District Zoning

A portion of the County within which the use of land and structure(s) and the location, height and bulk of structure(s) are governed, i.e., the A-1 classification is a district as is the R-1-A classification.

Downgradient

At lower elevation from that of the reservoir measured at its average water level elevation or that there is intervening natural terrain or topography that prohibits the surface mitigation of liquids to the reservoir and there is no evidence of other hydrological connection from the proposed location to the reservoir.

Drainageway

A natural or artificial channel, swale, arroyo, gully, gulch, ditch, trench, creek, stream, river, slough, wetland, pond, reservoir, or lake that either conveys or receives seasonal or stormwater runoff.

Drive-In or Drive-Through Facility

An establishment that, by design, physical facilities, service, or packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Drive-In, Take-Out Restaurant

See Restaurant, Drive-In, Take-Out.

Drive-In Theaters

Shall be located on an arterial street, and shall provide ingress and egress designed to minimize traffic congestion. In addition, the viewing screen shall not be visible from arterial roadways.

Drought Tolerant Landscape

A reduced water-usage landscape achieved through the use of good planning and design, limited turf area, soil improvements, efficient irrigation, mulching, low- water-use plants, and appropriate turf materials.

Dry and Abandoned

A well that has never produced and was plugged and abandoned after being determined to be unproductive or insufficiently productive to be economic.

Dumpsters/Trash Containers

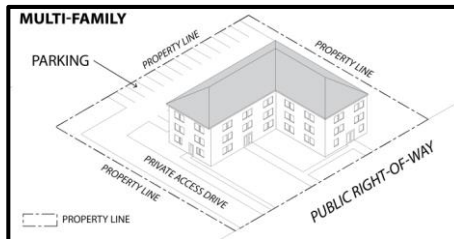
See TRASH CONTAINERS/DUMPSTERS.

Dumpster Enclosure

See TRASH ENCLOSURE.

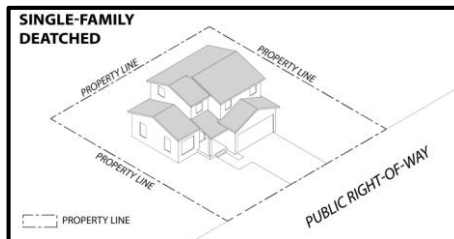
Dwelling, Multi-family

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.



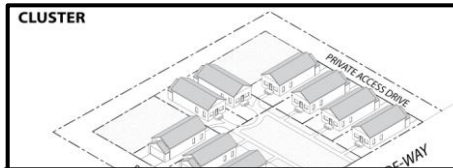
Dwelling, Single-Family Detached

A dwelling unit located on an individual lot and not attached to any other dwelling unit (other than an accessory unit, if permitted).



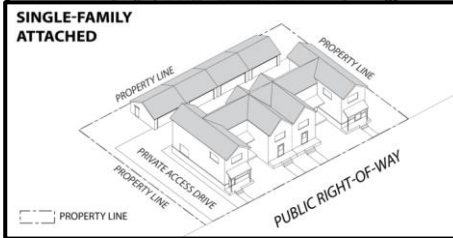
Dwelling, Single-Family Detached Cluster Development

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.



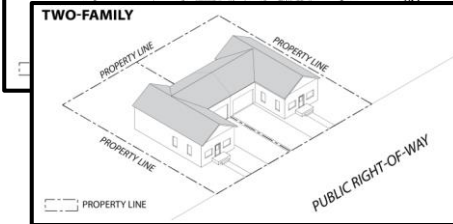
Dwelling, Townhome

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.



Dwelling Unit

Any building or portion thereof designed for human occupancy which contains kitchen, dining, living, sleeping and bath accommodations necessary for service to a single family.

For the purposes of Section [Error! Reference source not found.3-3-5](#), [Error! Reference source not found.Marijuana Land Uses](#), dwelling unit shall mean any house, apartment unit, condominium unit or other similar secure structure or unit thereof that is primarily used as a residence.

Dwelling Unit, Accessory

See Accessory Dwelling Unit

Dwelling Unit, Efficiency

A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

Easement

The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Educational Activities and Programs

Agricultural and/or culturally related topics discussed, observed, and/or experienced by way of classes, demonstrations, exhibits, lectures, and/or hands-on involvement, organized and conducted for the purposes of teaching participants about agricultural or farm related subjects such as: soil conservation and crop rotation, harvesting, crop varieties and cultivation techniques, historical landmarks, agricultural technology advancements, gardening, crafts, antique farm equipment and vehicle shows, etc.

Effected Land

The area of land from which any amount of overburden has been removed, or upon which any amount of overburden has been deposited, or both. This term also includes the disturbed surface of an area where a mining operation is being or will be conducted, including but not limited to: on-site private ways, roads and railroad lines; land excavations; development drill sites or workings; refuse banks or spoil piles; evaporation or settling ponds; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage or waste discharge areas; areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operations are situated.

Energy Facility or Facilities

- A. OIL and GAS FACILITY or FACILITIES. Includes oil and gas wellsites, flowlines, tank batteries, compressor stations, pits/ponds, below-grade tanks, dehydration units, vapor recovery units (VRUs), and associated roads. Pipelines and gathering systems, other than flowlines, as well as salt water disposal wells and injection wells are excluded. Locations with more than one of the above mentioned types of equipment will be considered to be one facility.
- B. SOLAR FACILITY OR FACILITIES. Is a facility or facilities that use solar energy to generate electricity through the use of solar panels, racking structures, inverters, transformers, overhead or underground wiring, and associated roads intended to generate power for a utility. A solar facility or facilities does not include any facility or facilities that exceed five megawatts (5 MW) in power generation.

Event and Conference Center

A location for family, community, public, private, corporate or ticketed events including, but not limited to, events such as: weddings, company outings, picnics, church gatherings, reunions, cultural festivals, shows, company meetings, holiday celebrations, conferences, and other similar events.

Evidence

Any map, table, chart, contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.

Existing Manufactured Home Park or Subdivision

When used in Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Floodplain Management and Flood Damage Prevention Regulations.

Expansion to Existing Manufactured Home Park or Subdivision

When used in Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Expansive Soils (shrink/swell soils)

Soil conditions exhibiting a high potential for changes in volume due to varying amounts of moisture and clay content which could severely damage building foundations, roads and other.

Explosive and Highly Flammable or Hazardous Materials

Materials or liquids which, when ignited, exhibit large scale, rapid and spectacular expansion, outbreak or other upheaval. Hazardous materials are as defined by State Statute.

Facade/Fascia

Any face of a building given special architectural treatment, i.e., a false, superficial or artificial appearance or effect.

Facility or Facilities

See Oil and Gas Facility or Facilities

Facility, CMRS

The equipment, physical plant and portion of the property and/or building used to provide CMRS services. This includes but is not limited to cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening, and parking areas.

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.

Family Foster Home

A facility providing care and training for no more than four children not related to the caretaker for regular 24-hour care.

F.A.R. Part 77

Federal Aviation Administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and as may be amended from time to time. Part 77 Regulations may also affect lands located outside the boundaries of a defined Airport Influence Area.

Farm

An area that is used for the production of farm crops, such as vegetables, cotton or grain and their storage, as well as raising thereon of farm animals, such as poultry or swine, on a limited basis. Farms also include dairy produce. Farming does not include the commercial raising of animals, commercial pen feeding (feed lots), or the commercial feeding of garbage or offal to swine or other animals.

Farm Animal Centers

Displays and presentation in which living animals of species known to be generally typical of farm and ranch environments are kept and exhibited to the public in a setting that allows the public to view or physically interact with the animals.

Farm Museum

A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of farming curiosities or objects of interest, arranged, intended and designed to be used by members of the public for viewing with or without an admission charge and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

Farm Tours

Activity conducted via foot, tractor, ATV, animal, and/or other means of access as appropriate for the introduction of the farm, its environs, and its functions.

Farmers' Market, Outdoor

A publicly or privately operated establishment where primarily agricultural products such as flowers, herbs and uncut, unprocessed fruits and vegetables are sold.

Farmers Market (Year Round)

A public point of sale at which multiple farmers and often other vendors sell unprocessed produce directly to consumers.

Farmhouse Restaurant

A family dining venue designed with a "farmhouse kitchen" style or rural-oriented character, equipped with a full kitchen and operating on scheduled hours.

Farm-Life Activities and Entertainment

Displays, contests, and constructions involving the agricultural products of a farm such as corn mazes, hay tunnels, cooking contests, pumpkin patch, organics, etc. Activities showcased by festivals, contests, events and admissions including, but not limited to, hay rides, community square dances, tractor and horse pulls, sleigh rides etc.

Farming and Gardening Classes

Instruction given by a skilled individual or staff pertaining to the act of, or a specific aspect of farming or gardening and/or a specific aspect of farming.

Farming or Ranching Events

Events related to or occurring in the course of farming and ranching. Events may take place during or be related to a particular season but need not be dependent on a particular season. Uses at such Events may include but are not limited to: livestock or farming activity displays, farming or gardening classes for small groups, roping, riding or other equestrian events or demonstrations, incidental sales of ranch or farm produced goods, ancillary sales, previewing of livestock, and training of small groups. Practice or group trainings for individual rodeo events may be conducted as Farming or Ranching Events; provided, however, that performance of multiple rodeo events in a venue at which user fees, dues, admission fees, or other compensation is charged to spectators for admission does not constitute a Farming or Ranching Event.

Fast Food Restaurant

A restaurant operation located either within a retail center or situated on its own freestanding "pad," which primarily 1) serves food that is prepared and/or packaged within five minutes and can be intended for consumption away from the premises, 2) contains a drive-in or drive-through facility, 3) is intended to primarily serve the passerby and/or motoring public. This term does not include a restaurant offering curbside delivery as a secondary and clearly subordinate use.

Fee Simple Ownership

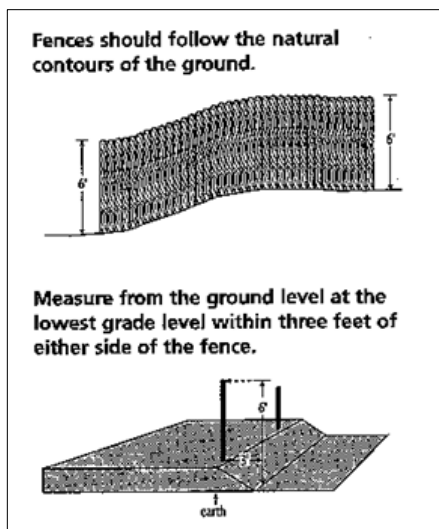
The complete ownership interest in real property, free and clear of any condition, limitation, or restriction on its alienation; the ownership of the entire "bundle" of rights attached to real property.

FEMA

The Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program (NFIP), or successor agency.

Fence Height

- A. Height means the distance of the vertical fence surface measured from finished grade to the top of the vertical surface. When measuring the height of a fence measure from the lowest point within three feet on either side of the fence.
- B. Pillars or posts between vertical fence surfaces may exceed the maximum permitted fence height by 10 percent.
- C. When a fence is erected on top of a retaining wall, the height of the fence shall be measured from the top of the retaining wall.
- D. The accompanying illustrations pertain to measurement or determination of fence height.



Fill

A deposit of materials of any kind placed by artificial means.

Final Acceptance

The acknowledgment by the County that the guaranty period has expired and there are no outstanding items to be corrected under the provisions of the guaranty.

Final Development Plan (FDP)

The Final Development Plan was the second step in establishing approval of land uses and siting restrictions for a Planned Unit Development before April 1, 2017, which provided specific information on the uses to be permitted and the manner in which they may be situated on the property. The comparable step in the revised Planned Unit Development regulations is called a Specific Development Plan.

Financial Establishment

The provision of banking and financial services to consumers and clients that may include walk-in and drive-through services such as check cashing, business and consumer lending, private or business savings accounts and similar monetary services.

Five-Hundred Year (500-Year) Flood

A flood having a recurrence interval that has a 0.2- percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years.

Five-Hundred Year (500-Year) Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Flag Banners/Feather Flags

Any sign, banner, valance or advertising display constructed of cloth, canvas, fabric, or other light material, with or without frames.



Flag Lot

A polygonal-shaped lot, with the appearance of a flag and flagpole, that does not front or abut a public roadway and where the narrow “flagpole” part of the lot is used to provide access to the public roadway. Typically, the widest part of a flag lot is located at the rear of another lot or parcel, and the flagpole part of the lot is comprised entirely of a private right-of-way or driveway.

Flaring

The combustion of natural gas during upstream Oil and Gas Operations, excluding gas that is intentionally used for onsite processes.

Flex Industrial

An industrial building that contains no more than 15 percent of the gross building area devoted to offices uses that support the principal industrial use, and no more than five percent of the gross building area is devoted to display and sales of the products produced in the building.

Flex Office/Warehouse

An office and warehouse building on a parcel of land that can adjust the amount of the office and warehouse space ratio in direct proportion to the amount of available on-site parking, but at a ratio not more than 51 percent office and 49 percent warehouse, based on the parking spaces required for each allowed use.

Floatable Materials

Any material that is not secured in place or completely enclosed in a structure, so that it could float off site during the occurrence of a flood and potentially cause harm to downstream property owners, or that could cause blockage of the channel or drainageway, a culvert, bridge or other drainage facility. This includes, without limitation, lumber, vehicles, boats, equipment, trash dumpsters, tires, drums or other containers, pieces of metal, plastic or any other item or material likely to float.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters from drainageways or reservoir spillways and/or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Control Structure

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular drainageway.

Flood Fringe

That portion of the 100 year floodplain between the floodway boundary and the limits of the base floodplain. Sheet flow areas with flood depths of less than one foot are not considered part of the flood fringe. Sheet flow areas with flood depths between one and three feet, inclusive, are part of the flood fringe.

Flood Hazard Area Delineation (FHAD)

A Flood Hazard Area Delineation Study prepared by the Urban Drainage and Flood Control District (UDFCD) in cooperation with local governments and adopted by each, UDFCD and the CWCB. Once completed, these studies are incorporated into the FEMA FIRM through the LOMC or PMR process and become the effective flood hazard information for the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency has delineated the special flood hazard areas.

Flood Insurance Study.

The official report provided by the Federal Emergency Management Agency that includes flood profiles and water-surface-elevations of the base flood.

Flooding

See Flood or Flooding.

Floodplain

As used in Section 4-3 and 5-3.6 of the County Land Development Code, Floodplain Management, the land area that will be inundated or flooded based on the stormwater runoff produced by the 100-year flood as defined by FEMA, FHADs, or drainage ways with tributary areas that are 130 acres or greater.

Floodplain Administrator

The County official designated by title, including his or her designee, to administer and enforce the Floodplain Management Regulations.

Floodplain Development Permit

The permit required before construction or development begins within any floodplain area as defined by the County (see Floodplain). Floodplain Development Permits are required to ensure that all proposed development projects meet the requirements of the NFIP and the County's Floodplain Management Regulations.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention.

Floodproofing

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway

The channel of a river or other drainageway and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water-surface-elevation more than one-half foot.

Floor Area, Gross

All areas located within the outside walls of a building, exclusive of basement area, garage space and porches.

Floor Area Ratio (F.A.R.)

The ratio of building gross square footage to the gross square footage of a parcel. For example, 43,560 square feet of building on one acre of land (43,560 sq. ft.) would equal a 1:1 floor area ratio.

Flowline

A segment of pipe transferring oil, gas, or condensate between a wellhead and processing equipment to the load point or point of delivery to a U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration or Colorado Public Utilities Commission regulated gathering line or a segment of pipe transferring produced water between a wellhead and the point of disposal, discharge, or loading. This definition of flowline does not include a gathering line as defined by ECMC Rules or any line that would otherwise meet the foregoing description will not be considered a flowline if all of the following are satisfied:

- C. the operator prospectively marks and tags the line as a support line;
- D. the line is not integral to production;
- E. the line is used infrequently to service or maintain production equipment;
- F. the line does not hold a constant pressure; and
- G. the line is isolated from a pressure source when not in use.

Flyway

A six (6) foot solid fence, wall, or thick hedge that directs the path of the bee up and out of the property.

Footcandle or F.C.

A unit of illuminance equivalent to one lumen per square foot.

Flower Farms

A farm where the principal source of income is the production of decorative or ornamental plants generally not used as an edible commodity.

Freeboard

The vertical distance in feet above the base flood elevation to which development must be elevated, as set forth in the applicable requirements of Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.](#) [Floodplain Management](#).

Fuel Dispenser

A mechanical device used to convey or pump automotive fuel or other petroleum products from a storage tank, regardless of whether said storage tank is above or below grade, into a vehicle or other appropriate container.

Full Cutoff Luminaire

A light fixture that has a light distribution pattern that results in no light being permitted at or above a horizontal plane located at the bottom of the luminaire.

Fully Shielded Luminaire

A light fixture that provides internal or external shields and louvers that prevents light emitted by the light fixture from causing glare or light trespass.

Functionally Dependent Use

When used in Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water (e.g. docking facility).

Garage, Private

An accessory building or a part of a main building used for storage of the private vehicles or boats of the family(ies) occupying the dwelling unit(s) to which the garage is accessory.

Garage, Public

Any garage other than a private garage available to the public for the storage of vehicles and boats when such vehicles are parked or stored for remuneration, hire or sale.

Gardening

The raising of produce for personal consumption, and not for resale as a commodity.

General Development Plan (GDP)

The document required to be submitted and approved in order to complete the first step of the Three-Step Planned Unit Development process in Section 5-3.3, Planned Unit Development. This document provides general information regarding the type, scale and layout of proposed land uses, open spaces, and circulation systems.

Geologic Hazard

A geologic phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health, safety or property. This term includes, but is not limited to, landslide, rock fall, seismic effect, mud flow, ground subsidence, shrink/swell soils and unstable or potentially unstable slopes.

Geologic Hazard Area

An area which contains or is directly affected by geologic hazard.

Glare

The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.

Grade

The average elevation of the area immediately adjacent to the sign, excluding berming. GROSS LAND AREA. The land area proposed to be subdivided, including land to be dedicated for streets and other public purposes.

Grocery Store

A general retail establishment that offers for sale primarily food and groceries and may include such accessory services as bakery, delicatessen, butcher/seafood shop, pharmacy, consumer banking, retail prepared food, alcoholic and non-alcoholic beverage sales, and similar goods and services to the public.

Groundwater

Subsurface waters in a zone of saturation which are or can be brought to the surface of the ground or to surface waters through wells, springs, seeps or other discharge areas.

Ground-Based Equipment (CMRS)

The plant and equipment, including but not limited to cables, wires, conduits, ducts, pedestals, electronics and other appurtenances, used to transmit, receive, distribute, provide, or offer CMRS services, but are not mounted to a tower or other structure and are located on the ground or in a structure located on or under the ground.

Group Home

Any residential structure which provides non-institutional housing for a group of four to eight persons acting as a single housekeeping unit and is licensed by the State. A Group Home shall not otherwise be considered a “family” as defined in this section. There are two types of group Homes:

Type A Group Home

Forms of housing which are specifically regulated by either federal or state government:

- A. Group Home, Handicapped – A dwelling unit is shared by handicapped persons living together as a single housekeeping unit.
- B. Group Home, Developmentally Disabled – Per C.R.S. 30-28-115 (2)(a), developmentally disabled is defined as those persons having cerebral palsy, multiple sclerosis, mental retardation, autism or epilepsy; a group home for these persons.
- C. Group Home, Mentally Ill – Per C.R.S 27-10-102 (7) “Mentally ill persons” are those persons with substantial disorder of the cognitive, volitional or emotional process that grossly impairs judgment or capacity to recognize reality or to control behavior (mental retardation and mental illness may or may not be mutually exclusive); a group home for these persons.
- D. Group Home –Elderly – Per C.R.S 30-28-115 (2)(b), elderly persons are considered to be those persons 60 years or older who do not need skilled or intermediate care facilities; a group home for these persons.

Type B Group Home.

All other forms of group housing.

Guest Ranch

Any building or buildings for dwelling purposes where the primary purpose is to rent such unit for limited periods of time in connection with recreation or vacation facilities available on the premises. Such units shall not be rented or leased for permanent occupancy.

Guest Ranch/Farm House Lodging

Overnight accommodations, separate from the landowner's residence, provided for guests wishing to have a "life on the farm" experience. These accommodations are usually offered with one or more designated meals, similar in size and format to a bed and breakfast operation.

Guyed Tower (CMRS)

A non-self-supported tower utilizing a guy wire support framework under tension on a concrete base. The guy wire support system allows for greater tower height but requires a larger land area for installation.

Handicap

Physical or mental impairment which substantially limits one or more of a person's major life activities, and as further defined by the U.S. Department of Housing and Urban Development (24 CFR Ch 1 § 100.201 (4-1-91 Edition), in response to the Fair Housing Act Amendments of 1988.

Health Club

A commercial establishment that provides exercise facilities for activities such as running, jogging, aerobics, weight lifting, court sports, and swimming and may also provide locker rooms, showers, massage services, saunas and related accessory uses.

Health Establishment, Including Nursing Home

Facilities which make medical services and nursing care available for a continuous period of 24 hours or more to three or more persons not related to the operator.

High Priority Habitat

As used herein shall have the same definition as stated in the Colorado Oil and Gas Conservation Commission Rules of Practice and Procedure, 100 Series Definitions (2 CCR 404-1 and as may be duly amended).

Highest Adjacent Grade (HAG)

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure

When used in Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation

Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit and not in any accessory building or space on the premises by residents of the dwelling unit.

Hospital

A facility which makes available one or more of the following: medical, surgical, psychiatric, chiropractic, maternity and/or nursing services.

Hotel

See Motel.

Hunting Club

Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational or recreational hunting purpose to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business.

IESNA

Illuminating Engineering Society of North America.

Improvement, Substantial

See SUBSTANTIAL IMPROVEMENT.

Initial Acceptance

Acknowledgment by the County, that to the best of the County's knowledge, all work has been completed in accordance with the construction plans and specifications.

Injection Well

A well that injects waste fluids that are generated during the drilling of and production from oil and gas wells or during primary field operations and that are exempt from regulation as hazardous wastes under subtitle c of the federal "Resource Conservation and Recovery Act of 1976", 42 U.S.C. sec. 6901 to 6934, as amended, such as produced water associated with oil and natural gas production into the earth. This definition is limited to Class II wells as defined by the Environmental Protection Agency.

Inoperable Vehicle

Any vehicle lacking a current valid registration that is displayed on the vehicle or trailer and/or whose operation is not currently possible due to the disassembly of vehicle parts preventing vehicle operation. Inoperable vehicles shall not be permitted on residential properties and/or on the public right-of-way immediately adjacent to said residential property.

Institutional Housing

Includes persons under formally authorized, supervised care or custody in institutions at the time of enumeration. Such persons are classified as "patients" or "inmates" of an institution regardless of the availability of nursing or medical care, the length of stay, or the number of persons in the institution. Generally, institutionalized persons are restricted to the institutional buildings and grounds (or must have passes or escorts to leave) and thus have limited interaction with the surrounding community. Also, they are under the care of trained staff having responsibility for their safety and supervision.

Junk Yard

A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles (whether operable or inoperable) machinery or other materials.

Kennel

Any premises where any combination of dogs, cats or other household pets, totaling four or more animals, six months of age or older, are kept, boarded or bred for the intention of profit.

Laboratory

A building or a portion of a building devoted to basic applied research and the experimental study or science of the testing and analysis of chemicals, drugs, minerals, bacteriological, biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists. No fabrication is conducted on the premises except the custom fabrication of dentures, dental implants, and optical lenses.

Lamp

The component of the light fixture that produces the actual light. A lamp includes, without limitation, the bulbs and tubes that produce the actual light.

Land Application

The application of septage, sewage, or biosolids to land for agricultural use as a source of macro- or micronutrients, organic matter, or other beneficial properties as a soil conditioner for the facilitation of vegetative growth.

Land Disturbance

The term "land disturbance", as used in Chapter 12-200 Grading, Erosion and Sediment Control Regulations, means the permanent or temporary purposeful alteration of existing ground contour by means of excavation, grading, filling, drilling, or removal of ground cover vegetation.

Land Improvements

Physical changes made to land and/or structures placed on or under the land surface in order to change the natural or preexisting conditions of the land in preparation for the construction of improvements related to the use of land for a specific purpose. Typical land improvements would include grading, street pavement, curbs and gutters, sidewalks, drainage facilities, storm and sanitary sewers, and utility facilities.

Landing Strips for Aircraft and Heliports

Shall not be located closer than 1000 feet from any existing dwelling and shall be approved by the Federal Aviation Administration (FAA). All proposals for landing strips for aircraft, ultralights and/or helicopter shall obtain approval as required by these Regulations.

Landing Strip for Private Aircraft

A runway or landing area without general aviation airport functions maintained for the private use of the owner of the property on which it is located (Includes Personal Heliport).

Large Child Care Home

See Child Care Home, Large.

Large Wind Energy Conversion System.

Any mechanism, including blades, rotors, or other moving surfaces, designed for the purpose of converting wind energy into mechanical or electrical power. For the purpose of these Regulations, towers, tower bases, guy wires and any other structures necessary for the installation of a large wind energy conversion system are also included. To be considered a Large Wind Conversion System, the capacity shall be greater than 100 kW for each wind energy conversion system.

Lattice Tower (CMRS).

A multi-legged freestanding framework tower with structural support provided by the framework sections of the tower. Each leg of the lattice tower has a separate concrete foundation.

Ldn

An A-weighted, day/night 24-hour average sound level, in decibels, obtained after the addition of 10 decibels to sound levels occurring during the night time period from 10 p.m. to seven a.m., which can be used to assess the amount of exposure to aircraft noise which can be expected at certain locations approximate to an airport. The Ldn rating is computed pursuant to FAA standards and procedures and arranged in contours on maps maintained for each airport by the Arapahoe County Mapping Division.

- A. 65 Ldn NOISE ZONE. Refers to property located within the outside boundary of the 65 Ldn noise contour in effect at the time of submittal of an application for land use or subdivision approval.
- B. 60 Ldn NOISE ZONE. Refers to property located between the boundary of the 65 Ldn noise contour and the 60 Ldn noise contour.
- C. 55 Ldn NOISE ZONE. Refers to property located between the boundary of the 60 Ldn noise contour and the boundary of the 55 Ldn noise contour.

LED

Light-emitting diode. LED lamp emits an almost monochromatic light of a particular color depending on the material used.

Legal Building Site

A lot that can be developed with the provisions of these Regulations and within other rules and regulations adopted by the County.

Letter of Map Amendment (LOMA)

A letter from FEMA officially amending the effective National Flood Insurance Rate Map, which establishes that a property is not located in a FEMA SFHA.

Letter of Map Change (LOMC)

All letters of SFHA changes from FEMA including LOMR, LOMR-F, LOMAs and Physical Map Revisions (PMR).

Letter of Map Revision (LOMR)

A letter from FEMA officially revising the effective Flood Insurance Rate Map to show changes in zones, delineation and water surface elevation of floodplains and floodways.

Letter of Map Revision Based On Fill (LOMR-F)

A letter from FEMA stating that a structure or parcel of land that has been elevated by fill outside the existing regulatory floodway would not be inundated by the base flood.

Levee

A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Light Bulb Strings and Exposed Tubing

External displays, other than temporary decorative holiday lighting, which consist of light bulbs, festoons, or strings, and neon or gaseous light tubing, whether open or enclosed within transparent or translucent cabinets, are prohibited.

Light Fixture

The complete lighting unit consisting of some or all of the following: the lamp, ballast, housing, and the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply.

Light industrial

A place of business for light industrial and/or high technology development, including but not limited to any of the following: laboratories (basic and applied research, manufacturing, experimental, testing) manufacturing, fabrication, processing or assembling of products, indoor storage, accessory office, office/showroom/warehouse, bakery, dry cleaning or laundry, wholesale greenhouses or nursery, minor auto repair excluding outdoor storage, quasi-public use, and wholesale sale or indoor storage of any commodity listed herein.

Light Industrial Park Development

A light industrial park is a planned-unit development consisting of non-residential, non-retail commercial uses designed to accommodate a mix of similar and compatible light industrial uses and associated services. Light industrial park development shall consist of high quality architectural and landscaping standards, be designed in a campus setting, and have minimal aesthetic or environmental impacts on surrounding adjacent properties. The development may also contain buildings that have non-light industrial uses when deemed necessary and appropriate by the Board of County Commissioners, (such as office/showroom, hotel and conference facilities health clubs, restaurants or other similar uses) when such uses satisfy the standards of these Regulations. All buildings contained within a Light Industrial Park shall be integrated into the overall development scheme through architecture, site layout, and other development standards.

Light Pollution

Any electric light that is emitted into the atmosphere, either directly or indirectly by reflection against any exterior surface, including, without limitation, the ground, buildings, cars, glass, or windshields, that alters the appearance of the night sky, interferes with astronomical observation, or interferes with the natural functioning of nocturnal native wildlife.

Light Trespass

Light falling where it is not wanted or needed and includes light projected onto a property from a light source not located on that property.

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.

Livestock

Cattle, sheep, goats, swine, mules, poultry, horses, alternative livestock as defined by Colorado statutes (e.g., elk), and such domesticated animals as fox, mink, chinchilla, beaver, and rabbits, and all other animals raised or kept for profit.

Local Governmental Designee (LGD)

As used herein shall have the same definition as stated in the Colorado Oil and Gas Conservation Commission Rules of Practice and Procedure, 100 Series Definitions (2 CCR 404-1 and as may be duly amended).

Lot

A designated parcel of land established by a recorded subdivision plat, subdivision exemption plat, recorded deed or court order, which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area

The total square footage or acreage contained within lot lines of any single lot of record.

Lot, Corner

A site bounded by two or more adjacent street lines which have an angle of intersection of not more than 135 degrees.

Lot Coverage

That portion of the lot area covered by a building(s), including all overhanging roofs and parking areas (note definition of unobstructed open space).

Lot, Double Frontage.

A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Lot, Interior

A lot other than a corner lot.

Lot Line

A property line bounding a lot, excluding any dedicated street or alley.

Lot Line, Front

The line separating a lot from a street or road upon which the principal building faces.

Lot Line, Rear

The lot line opposite and most distant from the front line, except for corner lots. The rear lot line may be any lot line not fronting on a street. Triangular lots shall maintain a rear yard of not less than 25 feet from the point of intersection of the side lot lines.

Lot Line, Side

Any lot line which is neither front nor rear.

Lot Width

The distance between side lot lines measured along the front setback line.

Lowest Adjacent Grade (LAG)

The lowest elevation of the natural ground surface touching a structure (including attached garages or decks).

Lowest Floor

The lowest floor of the lowest enclosed area of a structure (including any basement or crawl space). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a structure's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#). The lowest floor elevation is the determinate for the flood insurance premium for a building, home, or business.

Lumens

The amount of overall light output or quantity of light.

Luminance

Relates to the quantity of light reflected or emitted toward an observer. Luminance is what an observer sees, whether it is the light reflected from a wall or the light coming directly from a luminaire.

Maintained Illuminance

The light level that occurs immediately before lamp burnout. This light level is approximately 50-60 percent of the initial illuminance.

Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company

Includes transmission lines, power plants, and transmission substations owned by a private company; refinery, transmission pipelines, transmission pump stations, compressor and processing stations, and storage areas of private companies providing natural gas or other petroleum derivatives; and processing of biofuels.

Major Public Utility Facility

Includes, but is not limited to, power plant, transmission line, transmission substation, natural gas transmission pipeline, and natural gas transmission pump station.

Manufactured Home

- A. When used in Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For purposes of Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), the term "manufactured home" includes "recreational vehicles", such as park trailers, travel trailers, and other similar vehicles, placed on a site for greater than 180 consecutive days.
- B. For all other purposes, a single-family dwelling which is partially or entirely manufactured in a factory; is not less 24 feet in width and 36 feet in length, is installed on an engineered foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq., as amended. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. Or, a parcel of land that is divided into two or more lots for long-term lease or sale, with infrastructure designed for the installation of manufactured homes.

Manufactured Home Park or Subdivision, New

See New Manufactured Home Park or Subdivision.

Manufactured Home Subdivision

See Manufactured Home Park or Subdivision.

Manufacturing, Light

Manufacturing and processing in which no operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, measurable at the property line, or which will be detrimental to the health, safety, or general welfare of the community. May involve the storage of raw material, components to be assembled, or the outdoor storage of finished products.

Manufacturing, Heavy

Manufacturing and processing in which operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, or which may be detrimental to the health, safety, or general welfare of the community, but must be within Local, State and Federal environmental standards and regulations. May include materials manufacturing, treatment and assembly, and bulk storage of raw materials and finished products.

Marijuana

All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana shall not mean industrial hemp. Marijuana includes both medical and retail marijuana that is grown, sold, or otherwise used for a purpose authorized by and as defined in Article XVIII, Section 14 of the Colorado Constitution, Article XVIII, Section 16 of the Colorado Constitution, and the Colorado Marijuana Code.

Marijuana, Club

The use of any building, structure or other premises, whether such use is the primary use or an ancillary use, for purposes of allowing persons to consume marijuana or marijuana products, wherein such use is open to the public, or wherein the persons consuming marijuana or marijuana products directly or indirectly pay a fee or charge to compensate in any way for the ability to consume or use marijuana or marijuana products on the premises, including, but not limited to, paying a fee or charge to belong to a club or organization that has or provides access to the premises (examples of a “fee or charge” include, but are not limited to: a membership fee, an entrance fee, a cover charge, a rental fee, a food or beverage charge, etc.), and shall include, but not be limited to, a “marijuana hospitality business” and a “retail marijuana hospitality and sales business” as defined in the CMC; except that the definition of a marijuana club shall not include the rental of a dwelling unit wherein marijuana or marijuana products are being used by the legal occupants of such premises, or their invitees where such invitees are not paying a fee, or other charge or remuneration.

Marijuana, Colorado Marijuana Code and CMD

Shall mean the Colorado Marijuana Code, C.R.S. Section 44-10-101 *et seq.*, as amended.

Marijuana, Commercial

For the purposes of Section 3-3.5, Marijuana Land Uses, commercial shall mean for purposes of obtaining a profit or remuneration.

Marijuana, Medical

Medical marijuana that is grown, sold, or otherwise used for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution as defined in the CMC.

Marijuana, Patient

For the purposes of Section 3-3.5, Marijuana Land Uses, patient has the meaning set forth in Colorado Constitution Article XVIII, Section 14(1)(d).

Marijuana, Plants

Marijuana plants, seedlings, or any part thereof in a living condition that are lawfully grown or otherwise used for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution, Article XVIII, Section 16 of the Colorado Constitution, or the Colorado Marijuana Code.

Marijuana, Primary Caregiver

Primary caregiver has the meaning set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution.

Marijuana, Products

Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption other than by smoking, such as, but not limited to, edible products, ointments, and tinctures.

Marijuana, Retail

Retail marijuana that is grown, sold, or otherwise used for a purpose authorized by Article XVIII, Section 16 of the Colorado Constitution as defined in the Colorado Marijuana Code.

Marijuana Store, Commercial

A business licensed under State and County law and regulations to sell marijuana and/or marijuana products. Any business operating as a medical marijuana store, retail marijuana store or as a combined medical and retail marijuana store. See, definitions for medical marijuana store and retail marijuana store.

Marijuana Store, Medical

A medical marijuana store includes stores selling marijuana or marijuana products for personal medical use as defined in Article XVIII, Section 14 of the Colorado Constitution and the Colorado Marijuana Code.

Marijuana Store, Retail

A retail marijuana store includes stores selling marijuana or marijuana products for retail recreational use in accordance with Article XVIII, Section 16 of the Colorado Constitution, and the Colorado Marijuana Code.

Marijuana Use, Non-commercial

Non-commercial marijuana use shall mean not for the purpose of obtaining a profit or remuneration.

Marquee

A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

Master Development Plan (MDP)

The Master Development Plan ("MDP") is an alternative Planned Unit Development process available for all or any part of an office park development and other eligible developments that was available before April 1, 2017. The process was intended for developments that are able to contain within the development the impacts of final site design and architecture, due to the size of the development, perimeter screening and landscaping features, topography, or well-defined architectural and site design standards. The MDP set forth one or more proposed development scenarios for the project. It established development parameters that were more refined and more precise than those set forth in Preliminary Development Plans, thereby enabling an expedited staff-level review of final site plans as established in the MDP.

Massage Parlor

All persons and entities which are subject to regulation under C.R.S. 12-48.5-101, et seq., as amended, and regulations adopted pursuant thereto by the Board of County Commissioners.

Mausoleum

A building or structure that is part of a cemetery and contains above-ground tombs.

Maximum Initial Horizontal Illuminance

The maximum initial lighting levels in foot-candles as measured for exterior areas at grade level anywhere within the property including areas under canopies, balconies or other non-enclosed or partially enclosed areas.

Maximum Initial Illumination Level

The maximum lighting level on a property that is produced by a lamp at 100 hours of operation.

Maximum Initial Lamp Lumen Rating

The maximum rated light output per lamp. If a light fixture has multiple lamps, this rating refers to the combined total lumens of all lamps within the light fixture.

Maximum Initial Line-Of-Sight Illuminance.

The maximum initial lighting levels at eye level, on the property line, and looking towards the brightest and closest light fixture.

Median

An area in the appropriate center of a County street or state highway which is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by curb and gutter, having painted or thermally applied stripes or other means of distinguishing it from the portion of the roadway utilized for through traffic.

Medical Marijuana

Marijuana that is grown, sold or otherwise used for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution as defined in the CMC.

Medical Marijuana Store

A person or entity licensed by a state agency to sell medical marijuana and medical marijuana products to patients or primary caregivers, but is not a primary caregiver as defined by Article XVIII, Section 14 of the Colorado Constitution or the CMC, and includes, but is not limited to, a “medical marijuana store” as defined.

Microbrewery

A facility for the production and packaging of malt beverages for distribution, retail or wholesale, on or off premises. The development may include other such uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zone district.

Microwave Dish

A receiver for ultrahigh frequency electromagnetic waves.

Mineral

An inanimate constituent of the earth including, but not limited to, coal, oil and natural gas, oil shale, sand, gravel, quarry, aggregate, limestone, in either solid, liquid or gaseous state, which when extracted from the earth is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural or industrial purposes.

Mineral Resource Area

An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining. The term also includes an area of oil, gas or geothermal resource development if such area has been identified by the State Oil and Gas Conservation Commission or the Colorado Geological Survey for designation.

Mineral Resources and Geologic Hazard Areas

Any area or activity which has been identified in the County Comprehensive Plan as being of special interest because it involves development activities or development areas, or both, which might create a condition incongruent with the planned and orderly use of land and/or the protection of the environment and natural resources in a manner consistent with the constitutional rights or protection of the public health, safety and well-being.

Mini-Warehouse/Self Storage

A structure or group of structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Mining

The process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust. This term also includes the preliminary treatment of such ore or building stone.

Minor Development

A subdivision of land that does not involve any of the following:

- A. The creating of more than four lots;
- B. The extension of municipal facilities; and
- C. The creation of any new streets.

Minor Modification to an Approved Location and Extent Plan

For the purposes of Section [Error! Reference source not found.5-7-3](#), [Error! Reference source not found.Location and Extent](#), a modification to an approved Location and Extent Plan shall be considered minor if there are no land use changes proposed and if the changes to approved development standards comply with the limitations and specifications of the Administrative Amendment Regulations found in these Regulations.

Mobile Home

Any structure transportable on its own wheels, on flatbed or other trailers, or on detachable wheels, (excluding recreational vehicles, camping trailers, pickup bed campers, motorhomes, and vehicles licensed for on road use) which is designed and generally and commonly used for occupancy by persons for residential purposes in either temporary or permanent locations.

Mobile Home Park or Subdivision

Any lot or part thereof, or any parcel of land which is used or offered as a location for one or more mobile homes used for any purpose.

Mobile Home Subdivision

See Mobile Home Park or Subdivision.

Monopole (CMRS)

A self-supported freestanding tower with structural support in the one-legged design on a single concrete foundation

Motel

A structure, or portion thereof, or a group of attached or detached structures containing completely furnished individual guest rooms or suites occupied on a transient basis for compensation. Also includes the term Hotel.

National Cooperative Soil Survey

The soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agricultural Experiment Stations and other federal and state agencies.

National Flood Hazard Layer (NFHL)

The most updated digital version of the Flood Insurance Rate Map (FIRM). If displayed in accordance with FEMA's requirements, the NFHL is also the regulatory floodplain map for FEMA for insurance and floodplain management purposes, the same as the FIRM and DFIRM.

New Construction

Structures for which the "start of construction" commenced on or after the effective date of the Floodplain Management Regulations in Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), and includes any subsequent improvements to such structures.

New Development and Redevelopment

When used in Section [Error! Reference source not found.5-4.2](#), [Error! Reference source not found.Grading, Erosion and Sediment Control Permit](#), new development and redevelopment shall refer to all projects which are required to submit site construction plans to the County, for review and approval excluding building permit plans, in accordance with the County's Land Development Code requirements.

New Manufactured Home Park or Subdivision.

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#).

Night Club

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which the service of food is only incidental to the consumption of such beverages. Dancing and entertainment, including but not limited to musicians and comedians, are permitted. This definition does not include sexually-oriented businesses.

No-Rise

A calculated rise in flood depth of 0.00 feet as rounded to the nearest hundredth of a foot.

No-Rise Certification

A record of the results from an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. Also known as No Impact to the Floodplain Certification.

Noise Contour

The line linking together a series of points of equal cumulative noise exposure. Noise contours are developed based upon actual and projected data, including aircraft flight patterns, the number of daily aircraft operations by type of aircraft, noise characteristics of each aircraft, and typical runway usage patterns.

Noise Sensitive Uses

The following uses are considered by the County to be noise sensitive uses:

- A. Residential uses intended for permanent occupancy by owners or renters, but not including transient lodging or institutional uses such as hospitals and detention facilities.
- B. Type B Group homes. Educational uses, including schools, public and private, and non-aviation related training centers, churches, auditoriums, concert halls, day care uses.

Non-commercial

For the purposes of Section [Error! Reference source not found.3-3-5](#), [Error! Reference source not found. Marijuana Land Uses](#), non-commercial shall mean not for the purpose of obtaining a profit or remuneration.

Nonconforming Structure

A structure legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform to the regulations of the zoning district in which it is located.

Nonconforming Use

A use legally existing and/or used at the time of adoption of these Regulations, or any amendment thereto, which does not conform to the use regulations of the zoning district in which it is located.

Nonstructural Development

Any use of property that does not involve a structure. Nonstructural development may include, but is not limited to, the construction or installation of or use of a property for parking lots, utilities, detention ponds, fences, trails, pathways, outdoor storage, cultivation of vegetation, or placement of fill.

Nursery School

An establishment providing specialized curriculum and group care on a planned, regular basis for more than four children, unrelated by blood or adoption, for less than 24-hours. A nursery school shall maintain a minimum six foot high solid fence, wall, or chain link fence which encloses outdoor play areas.

Nudity or State of Nudity

a) The appearance of human bare buttock, anus, pubic region, male or female genitals, or the areola or nipple of the female breast: or b) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nude Model Studio

Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be sketched, drawn, painted, sculpted,

photographed, or similarly depicted by other persons. The term “Nude Model Studio” does not apply to:

- A. A college, junior college, or university supported entirely or partly by taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university that are supported entirely or partly by taxation; or
- B. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, and where, in order to participate in a class, a student must enroll at least three days in advance of the class, and where no more than one nude model is on the premises at any one time.

Nursing Home

An establishment, other than a hospital, licensed by the State, which operates and maintains continuous day and night facilities providing room and board, personal service and skilled nursing care.

Occupied Structure

Any building, structure or appurtenance to a building or structure that is intended and suitable for human occupancy, at least part-time, whether or not a person is actually present, including but not limited to: homes, schools, daycares, healthcare facilities, office buildings, businesses and commercial structures. Structures used for storage, such as barns, sheds, and detached garages, and structures intended primarily for sheltering equipment or facilities that experience only incidental and temporary human occupancy as necessary to maintain the equipment or facility, such as utility substations, lift stations or pump houses, are excluded from this definition.

Office Park Development

An office park development is a zone category consisting of an integrated commercial development existing or planned for Professional Office uses and uses that are accessory or appurtenant to Professional Office uses, in a campus setting with mostly internal access points and high-quality architectural and landscaping standards. All buildings shall be integrated into the overall development scheme through architecture, site layout and other development standards.

Office/Showroom

An office building in which no more than 10 percent of the gross floor area of each office suite is devoted to display and sales of products represented by the occupant of the office suite.

Off-Street Parking

A site or portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

Oil and Gas Facility or Facilities

A definable area where an Operator has disturbed or intends to disturb the land surface in order to locate a facility related to the extraction of oil and gas, and includes oil and gas well pads, well sites, production pads, flowlines, tank batteries, pits/ponds, below-grade tanks, dehydration units, vapor recovery units (VRUs), and associated roads. Pipelines and gathering systems, other than flowlines, as well as salt water disposal wells and injection wells are excluded. Sites or locations with more than one of the above mentioned types of equipment will be considered to be one facility.

Oil and Gas Operations

As used herein shall have the same definition as stated in the Colorado Oil and Gas Conservation Commission Rules of Practice and Procedure, 100 Series Definitions (2 CCR 404-1 and as may be duly amended).

Oil and Gas Pad Boundary

Same definition as Pad Boundary.

Oil and Gas Well

A well drilled for the purpose of producing oil or gas, or a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a geologic reservoir.

Onsite Wastewater System ("OWS")

An absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or disposing of sewage that is not part of or connected to a central (community) sewer system. Includes, by way of example only, septic tanks and absorption areas.

Open Mining

The mining of natural mineral deposits by removing any amount of overburden lying above such deposits and mining directly from the deposits thereby exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

Open Space/Unobstructed

An area intended to provide light and air and is any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use. Open space may include active recreation with limited pervious surfaces, such as swimming pools, play equipment for youngsters, ball fields, court games and picnic tables. Passive open space may include areas not occupied by any structures and limited pervious surfaces such as parks, and landscape tracts (except parking lot islands). Credit will be considered for courtyards and plazas based upon the Planning Division Manager's review. Open space shall not include driveways, parking lots, parking islands, drive aisles or other surfaces designed or intended for vehicular travel.

Operator

Any person, persons, association, partnership, company, corporation, or other legal entity who exercises the right to control the conduct of oil and gas operations.

Ordinary High-Water Line

As used herein shall have the same definition as stated in the Colorado Oil and Gas Conservation Commission Rules of Practice and Procedure, 100 Series Definitions (2 CCR 404-1 and as may be duly amended).

Outdoor Display/Sales

An outdoor area for the display and/or sale of merchandise or vehicles.

Outdoor Storage

The storage of any material outside of the principal permitted structure on any parcel, which material is either wholly or partially visible.

Overburden

All of the earth and other materials which lie above natural mineral deposits and which are disturbed from their natural state in the process of mining.

Overnight Campground

An area specifically designed to accommodate the parking or placement of truck campers, camping trailers and tents used for human occupancy on a transient basis. No truck camper, camping trailer or tent shall be maintained continuously on an overnight campground for more than 30 days during a calendar year.

Pad Boundary

The outer limit of the disturbed ground created for the operation of an Oil and Gas Facility.

Parcel

An area of land which is not uniquely defined on a subdivision plat, but which is described by any of the following methods:

- A. An aliquot part of a section;
- B. A metes-and-bounds description;
- C. A book and page or reception number reference;
- D. Any so-called "assessor's tract;" or
- E. Defined by means other than a plat.

Parapet Wall

A low wall or protective railing along the edge of a roof, balcony or terrace.

Park

Any public or private land available for active or passive recreational, educational, cultural or scenic purposes of a size, location and configuration useable as a park and approved by the PWD Department.

Parking Lot, Accessory

An all-weather surfaced parking area or garage designated for the short-term or long-term parking of vehicles associated with the principal or primary use of the property and/or parking of licensed equipment used by the principal or primary use of the property.

Parking Lot, Commercial

A parking lot or parking garage for public parking for a fee, not including parking lots or garages operated as an accessory use in association with a residential development, commercial or industrial business development or public transit station.

Parking Lot, Service

See Service Parking Lot.

Patient

For the purposes of Section [Error! Reference source not found.3-3-5](#), [Error! Reference source not found.Marijuana Land Uses](#), patient has the meaning set forth in Colorado Constitution Article XVIII, Section 14(1)(d).

Person

An individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity. For the purposes of Section [Error! Reference source not found.3-3-5](#), [Error! Reference source not found.Marijuana Land Uses](#), person shall mean a natural person 21 years or age or older.

Pets

Dogs and cats over the age of six months, potbellied pigs, and reptiles or other small animals of a type typically purchased at local pet stores, which are customarily kept in the home or on the premises for the sole pleasure and enjoyment of the occupants and not raised for commercial purposes. The definition of pets does not include chickens, geese, ducks, turkeys or other poultry or domesticated fowl. Pets that are caged indoors or kept in a terrarium or aquarium or confined in a pond will not be counted in the allowed quantity of pets within a zone district. Keeping of wild or exotic animals as defined by the State of Colorado Division of Wildlife is PROHIBITED. Keeping of any poisonous animal is PROHIBITED. Keeping of any constrictor snake or any reptile with a length greater than three feet, measured from the tip of the nose to the tip of the tail, is PROHIBITED.

Pharmacy

A place where medicines are compounded or dispensed and other medical accessory merchandise is displayed or sold.

Physical Map Revision (PMR)

A FEMA action where one or more FIRM map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Pick Your Own Produce

A commercial activity wherein the general public is invited onto an agricultural property such as a farm to pick produce grown on the farm, such as apples, strawberries, pumpkins, flowers, etc. The activity may vary with the season and public interest.

Pipeline

A crude oil transfer line or gathering line as defined in the ECOMC rules.

Pit

A natural or man-made depression in the ground used for storage or disposal of fluids and solids associated with drilling, completion or production purposes. Pit does not include enclosed steel, fiberglass, concrete or other similar vessels which do not release their contents to surrounding soils.

Planned and Permitted Reservoir

An unconstructed, but planned reservoir that has received all federal, state, and local permit approvals required under applicable law or regulation to locate a public water reservoir of qualifying capacity at a specific and mapped location within unincorporated Arapahoe County.

Planned Public Water Reservoir

An unconstructed, but planned public water reservoir of qualifying capacity for which the location of such planned reservoir is established in the public record at a specific and mapped location within unincorporated Arapahoe County and that:

- A. has received or applied for approval through a water court adjudication; or
- B. has received federal, state, or local permit approval required under applicable law for construction of a reservoir.

Planned Unit Development (PUD)

An area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, education, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

Planning Commission

The Arapahoe County Planning Commission, Arapahoe County, Colorado.

Plants

For the purposes of Section [Error! Reference source not found.3-3-5](#), [Error! Reference source not found. Marijuana Land Uses](#), plants shall mean marijuana plants, seedlings or any part thereof in a living condition that are lawfully grown or otherwise used for a purpose authorized by Article XVIII, Section 16 of the Colorado Constitution, Article XVIII, Section 14 of the Colorado Constitution, or the CMC.

Plat

A map or plan of property, recorded with the Arapahoe County Clerk and Recorder.

Plat Application

The application form and all accompanying documents required by these Regulations for review of a subdivision plat.

Plat, Final

A map and supporting materials of certain described land prepared in accordance with the county's requirements as an instrument for recording of real estate interests with the County Clerk and Recorder.

Plat, Preliminary

The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the County's requirements to permit the evaluation of the proposal prior to detailed engineering and design.

Playgrounds and Activity Fields

Designed play areas and/or fields to be used for active and passive recreation for all ages including amenities such as swings, slides, sand boxes, water "spray grounds", volleyball sand courts, hard court play surfaces for toy tractors and basketball, open fields appropriate for model airplane or kite flying, etc.

Plugging and Abandonment

As used herein shall have the same definition as stated in the Colorado Oil and Gas Conservation Commission Rules of Practice and Procedure, 100 Series Definitions (2 CCR 404-1 and as may be duly amended).

Pollution

As used herein shall have the same definition as stated in the Colorado Oil and Gas Conservation Commission Rules of Practice and Procedure, 100 Series Definitions (2 CCR 404-1 and as may be duly amended).

Post-Curfew Light Levels

Lighting that is operated after 10:00 p.m. or within one hour after the close of business, whichever is later, until one hour prior to the commencement of business.

Post-Curfew Maximum Initial Horizontal Illuminance Level

The lighting levels after 10:00 p.m. or one hour after the close of business, whichever is later.

Pre-Curfew Light Levels

Lighting that is operated from one hour prior to commencement of business to 10:00 p.m. or within one hour after the close of the facility, whichever is later.

Preliminary Development Plan (PDP)

The Preliminary Development Plan ("PDP") was the first step in establishing land uses and siting restrictions for a parcel of land in a Planned Unit Development approved before April 1, 2017. The uses and siting restrictions permitted by the PDP established the general requirements with which the development had to comply. The uses, minimums and maximums established in the PDP were reviewed at the Final Development Plan stage to further determine appropriateness for the particular site and neighborhood. The comparable step in the revised Planned Unit Development regulations is called a General Development Plan.

Primary Caregiver

Primary caregiver has the meaning set forth in Article XVIII, Section 14(1)(f) of the Colorado Constitution.

Principal Permitted Use

The primary use to be established on a parcel of land provided said use conforms to the provisions of the governing zone district, is architecturally consistent and compatible with surrounding development and complies with any and all applicable County, state or federal rules, regulations and requirements pertaining to the specific use.

Private Improvement

Any improvement required by these Regulations or as a part of the conditional approval of a subdivision which is provided by the developer and not maintained by the County or a quasi-public entity.

Private Room

A room in a motel, hotel or other similar establishment that has a bed and a bath in the room or an adjacent room, and is used primarily for lodging.

Produce Stand

A temporary structure at which uncut, unprocessed agricultural products primarily grown on site, such as raw fruits, vegetables, plants, flowers or herbs, are sold.

Produced Water

Naturally-occurring water that exists in the formation and is produced at the mouth of the well along with hydrocarbons. This water is generally saline due to formation deposition in marine environments. Produced water is generally disposed in injection wells.

Professional Office

An office used by a profession acceptable to the County, and which profession is either licensed by the State of Colorado to perform the type of work involved, or is accredited by or registered with a professional group and is operating within the scope of such accreditation or registration.

Property Line Adjustment

The relocation of a property line which does not create additional lots, nonconforming lots or structures, changes of use, effects an easement and does not result in any non-buildable lots.

Property Owner

The owner of record of a specific property as shown by the Arapahoe County Assessor's Office records.

Public Facility

Any activity that is primarily funded by, and/or has the capability to levy taxes, and is of significant benefit to the public and the surrounding area, not conducted for profit, and provides a commodity or service that could not be provided within a reasonable distance of the surrounding area. Examples include public airports and related facilities, public hospitals and other emergency medical facilities, public meeting halls, public recreation facilities, schools and major facilities of a public utility.

Public Improvement

Any improvement required by these Regulations for which the County or a quasi-public agency, conditionally agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the County, or a quasi-public agency, is already responsible. Such facilities include but are not limited to streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television, and other utility facilities.

Public Utility

Every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewerage, pipeline, street transportation, sleeping car, express, or private car line facilities and services.

Public Works and Development Department

Herein referred to as PWD.

PWD Director

The Arapahoe County Director of Department of Public Works and Development.

Qualified Conservation Organization

A non-profit organization, as defined under Section 501.C-3 of the Internal Revenue Code, and usually a conservation organization or land trust, designated to enforce the recorded deed restrictions on the use of property, as typically defined through a conservation easement.

Qualified Professional

A professional acceptable to the County, and who is either licensed by the State of Colorado to perform the type of work involved, or who is accredited by or registered with a professional group and who is operating within the scope of his/her accreditation or registration.

Quasi-Public Agency

An institution constituted with a governing board and obtaining more than 51 percent of its funds from tax revenue

Quasi-Public Use

Charitable, educational, cultural and/or religious organizations or use which, as a primary function of their operation, provide significant benefits to the health, safety and welfare of the citizens of Arapahoe County, as may be determined by the Board of County Commissioners. Examples of such uses are religious organizations, private meeting halls and private schools.

Ranch

A parcel of land used primarily for the breeding of horses; raising of livestock; individual training or training of small groups; practice equestrian courses and arenas not used for scheduled, public or club events; boarding only of horses, mules or ponies directly involved with current breeding or training activities; and ancillary sales and previews of livestock and occasional weekend activities.

Ranch Hand/Agricultural Worker Housing

A separate dwelling unit for the housing of ranch/agricultural workers apart from the permitted single-family dwelling.

Reclamation

The rehabilitation of affected land by means of replanting, soil stabilization, water resource restoration and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

Reconstruction

To rebuild a structure without increasing its footprint, when the structure has been:

- A. Partially or completely destroyed by any cause (i.e., fire, wind, flood), or
- B. Partially or completely torn down.

Reconstruction that also meets the definition of redevelopment shall be regulated as redevelopment.

Recorded Mineral Rights

Those mineral rights which have been officially recorded or registered with the Colorado Secretary of State or the Clerk and Recorder of Arapahoe County.

Recreation, Outdoor

Characterized by moderate impacts on traffic, natural environment and the surrounding neighborhood, including facilities such as athletic fields, miniature golf, skateboard park, swimming pool, tennis, handball, basketball courts, batting cages and soccer fields. Does not include Shooting Range.

Recreation, Private/Commercial

Uses, structures and/or land utilized for the provision of recreational activities and/or open space which may be developed, operated and/or maintained for profit by an entity other than a public entity, such as a swimming pool, tennis court/club, recreation center, etc.

Recreation, Public

Uses, structures and/or land utilized for the provision of recreational activities and/or open space which may be developed, operated and/or maintained by a public entity.

Recreational Facility – Indoor

An establishment providing recreational activities, completely enclosed by a structure, such as bowling alley, gymnasium, roller skating, ice skating, billiards, pool, theatre, swimming pool or related amusement. This does not include adult entertainment establishments.

Recreational Vehicle

A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment

Comprises any of the following:

- A. The complete demolition of a principal building, followed by the construction of a new building which occupies a different footprint than the original principal building; or
- B. The destruction of a principal building to an extent that is equal to or greater than 50 percent of its assessed value, followed by reconstruction and repurposing of the building for a type of use for which the original building was not designed; or
- C. Expansion of a principal building by more than 50 percent of its floor area.

Redevelopment, New

See New Development and Redevelopment.

Refuse

All waste material directly connected with the cleaning, classification, milling, smelting, refining, preparation and otherwise of substances mined.

Regional Facility

An improvement or a part of a network or system of improvements that serve a larger area than a single subdivision and have value to a subdivision based on the nature and use of the improvement for roads, drainage, utilities, bridges, trails and open space, or floodplain requirements that insure the fullest use and development of an individual subdivision.

Regular Meeting

For purposes of section 5-3.6, Oil and Gas Facilities, a meeting attended by the Operator's representative(s) and PWD staff to discuss updates to the Operator's Development Plan and any incidents during the prior months.

Release

Any unauthorized discharge of any exploration and production waste or other pollutant to the environment over time.

Research and Development

The use of resources for the applied and deliberate discovery of new information and ways of doing things as creative work undertaken by one or many on a systematic basis, together with the application of that information in inventing new products and processes.

Research and Development - Business

A business that engages in research or in the research and development of innovative ideas in technology-intensive fields and/or processes, but not in mass production of products.

Residence-Free Zone

All lands within one mile of the Adams County Front Range Airport and in that airport's final approach area where residential construction will not be permitted.

Resource Recovery

The industrial process of obtaining materials or energy from solid waste for recycling or reuse.

Resource Recovery Operation

An industrial processing operation which primarily is conducted for the purpose of recycling and/or reuse of a product or products.

Restaurant

An establishment where food and drink are prepared, served and consumed primarily within the principal building.

Restaurant, Drive-In, Take-Out

An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside of the confines of the restaurant building, and where ordering and pick-up of food, and consumption of food, may take place from a motor vehicle.

Restaurant, Fast Food

See Fast Food Restaurant.

Restricted Development Area

A racetrack or rectangular-shaped pattern beginning at the departure end of a Centennial Airport runway and terminating at the arrival end of the same runway, which provides an average flight path for arriving and departing aircraft.

Resubdivision/Replat

The changing of any existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.

Retail

Establishments engaged in selling goods or merchandise to the general public

Retail Marijuana Store

Retail marijuana store shall mean an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers, as defined by Article XVIII, Section 16 of the Colorado Constitution and the CMC.

Retail, Service

Establishments providing personal services to the general public, such as salons, spas, massage, tailoring, laundry, pet washing, and other, similar uses.

Retaining Wall

A wall designed to resist the lateral displacement of soil or other materials.

Rezoning

For the purpose of these Regulations, a revision to the County Zoning Map.

Riding Stable and/or Academy

Any establishment which rents, boards or leases riding animals and gives lessons to develop horsemanship.

Right-of-Way

A land area, either public or private, on which an irrevocable right-of-passage has been recorded for the use of pedestrian, equestrian or vehicular movement; railroads; public utilities; and water and sewer facilities.

Riparian Area

Riparian areas are the portions of the landscape that border streams and other bodies of surface water. Riparian areas are often characterized by wetland and/or riparian vegetation and are distinguished by having different vegetation types (trees, shrubs, forbs, and/or grasses) than the adjacent uplands vegetation (e.g., shortgrass prairie) due to closer access to the water source. The riparian area begins at the edge of the stream channel (typically measured at the ordinary high water mark) or the edge of a perennial surface water body and continues perpendicularly away from the channel or waterbody to the furthest edge of the riparian vegetation (e.g., willows and cottonwood galleries).

Rodeo

An event comprising of activities for competition, entertainment or display of skills including, but not limited to, horseback riding, bronco riding, steer wrestling, calf roping and/or riding, bulldogging, and barrel racing. Horse racing is not considered a rodeo activity. User fees, dues, admission fees, or other compensation may be paid, but compensation is not a required element to define an event as a rodeo. Food and/or alcohol may be bought or sold on the premises, subject to meeting any State or local health and safety regulations and/or licensing requirements.

Roof Line

The highest point on any building where an exterior wall encloses usable floor area, excluding roof area provided for housing or screening of mechanical equipment.

Runway Protection Zone

An area immediately adjacent to all runway thresholds in which no non-aeronautical structures are normally permitted due to the obstacle clearance requirements of immediately arriving and departing aircraft.

Rural Area

Lands within unincorporated Arapahoe County, which are located outside the boundaries of both “Urban Services area” (as depicted in the Comprehensive Plan) and any “Urban Growth Boundary” for Bennett, Byers, Strasburg, or Watkins (As depicted in an approved sub-area plan).

Rural Engineering Standards

Engineering standards applicable to the rural portion of unincorporated Arapahoe County, specifically A-1 and A-E zoning districts, to address the unique character of rural residential development.

Sanitary Landfill

An area where waste materials are dumped, compacted and covered with a layer of soil in compliance with applicable State and/or local requirements.

School

Any operating Public School as defined in § 22-7-703(4), C.R.S., including any Charter School as defined in § 22-30.5-103(2), C.R.S., or § 22-30.5-502(6), C.R.S., or Private School as defined in § 22-30.5-103(6.5), C.R.S.

School Facility

Any discrete facility or area, whether indoor or outdoor used for School purposes.

Seasonal Farmers Market

A public point of sale, operational only during a pre-determined portion of the year, at which multiple farmers, or representatives of multiple farms, sell unprocessed produce harvested during a particular season directly to consumers.

Seismic Testing

Operations that involve the transmittal of seismic waves into and through the earth to model the geophysical properties of the Earth’s crust. These operations can help determine whether or not oil and natural gas are located in a specific area. The term includes all activities associated with acquisition of seismic data including, but not limited to, surveying, shothole drilling, thumper trucks, recording, shothole plugging and reclamation.

Sensitive Development Area

Those land areas shown as having significant resource value on the Arapahoe County Resource Composite Map, or any of the following features identified by the county and riparian areas, agricultural land use, NREC-designated “prime farm land”, steep slopes, water buffers, ecological resources, historic and archeological sites, viewsheds, ridgelines, and important visual resources.

Septage

A liquid or semisolid that includes normal household wastes, human excreta, and animal or vegetable matter in suspension or solution generated from a residential septic tank system. Reference CRS 25-10—103(17). Septage for purposes of the prohibition against the land application of septage specified

in these Regulations also includes any residual product from commercial or industrial septic tank systems, and chemical toilets, vaults, and vehicular or trailer holding tanks.

Septic Tank

A watertight, accessible, covered receptacle designed and constructed to receive sewage from a building sewer, settle solids from the liquid, digest organic matter, store digested solids through a period of retention, and allow the clarified liquids to discharge to other treatment units for final disposal. Reference CRS 25-10-103(18).

Service Commercial

Uses that are commercial in operation and primarily sell services to customers on site as a full-time business activity. Such uses include hairdressing and hair cutting, tailoring and dressmaking, laundry services, shoe repair, grooming and similar uses.

Service Parking Lot.

An all-weather surfaced parking area designated for the short or long-term parking of vehicles and equipment used by the principal or accessory use of the property.

Setback

The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line:

- A. Front setback – a setback extending across the full width of the lot measured perpendicular to the front lot line;
- B. Rear setback – a setback extending across the full width of the lot measured perpendicular to the rear lot line;
- C. Side setback – a setback extending the full length of the side lot line measured perpendicular to the side lot line. The side setback typically overlaps with the front or rear setback.

Setback (CMRS)

The distance between a property line and the footprint of the antenna structure, including antennas, reflectors, dishes and other appurtenances.

Sewage

A combination of liquid wastes that may include chemicals, household wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and that are discharged from a dwelling, building, or other establishment. Reference 25-10-103(19).

Sexual Encounter Establishment

A business or commercial establishment, that as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of “specified sexual activities” or the exposure of “specified anatomical areas” or activities when one or more of the persons in a state of nudity. A motel, hotel or other similar establishment will not be classified as a sexual encounter establishment merely by virtue of the fact that it offers private rooms for rent.

Sexually-Oriented Business

A business or commercial establishment that is in all or in part an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model

studio, and does not include a business that is an adult bookstore, adult novelty store or adult video store that is not also at least partially an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

Shallow Flooding Areas (AO or AH Zones).

Areas designated Zone AO or Zone AH on the Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Shielded

The light emitted from the lighting fixture is projected below a horizontal plain running through the lowest point of the fixture where light is emitted. The lamp is not visible with a shielded light fixture, and no light is emitted from the sides of such a fixture.

Shooting Range, Outdoor

The commercial use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, advanced firearms training, or temporary competitions, such as turkey shoots. Excluded from this use type shall be general hunting and unstructured discharging of firearms on private property with the property owner's permission.

Shut-In Well/Facility

A well or oil and gas facility which is capable of production or injection by opening valves, activating existing equipment or supplying a power source, or a facility that has been deactivated.

Sight Triangle

An area of land located at intersections of streets, drives, and other public and/or private ways situated to protect lines of sight for motorists, within which, the height of materials and/or structures is limited. With any parcel containing a sight distance triangle, no obstruction shall be permitted to be erected or grown above three feet in height within such sight triangle area.

Significant Impact

Any material effect on the surrounding area that potentially endangers health, safety, economy or resources. It includes, but is not limited to, the imposition of any obstacle to the extraction of a strategic, commercial mineral deposit, a significant increase in the cost of providing any governmental services, an increase in air and water pollution in excess of federal or state standards, a measurable increase in noise or obnoxious odor around residential or potential residential areas and contribution to or initiation of hazardous traffic patterns.

Sign

Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service.

Sign, Animated

Any sign, or any part thereof which changes physical position by means of movement or rotation.

Sign, Banner

A temporary advertising sign which is not attached to a permanently mounted backing and/or which is allowed to wave, flap or rotate with the wind.

Sign, Billboard

Any permanent freestanding sign that is of a dimension exceeding forty-eight (48) square feet per sign face or exceeding six (6) feet in height above ground level. Billboard signs will often, but are not required to, be oriented towards a public street or highway.

Sign, Directional

Any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

Sign, Directory

A sign utilized on a parcel containing more than one legal use which lists the names and/or other information of the individual businesses located on the parcel.

Sign, Display Surface

The display surface is the area made available by the sign structure for the purpose of displaying the advertising message.

Sign, Electronic Message Board

An Electronic Message Board (EMB), when allowed, is a component or feature of an otherwise permitted sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

Sign, Flashing

Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Ground

A sign structure supported by poles, uprights, or braces extending from or anchored into the ground but not attached to any part of the building.

Sign Height

The vertical distance from the average finished grade below the sign (excluding berming) to the highest point on the sign structure.

Sign, Identification

A sign on any lot containing more than one legal use which may be either ground sign or wall mounted, the contents of which is limited to the name, telephone number, location of the use upon the lot, hours of operation, service and/or products offered.

Sign, Illuminated

A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.

Sign, Logo

A sign exhibiting a distinctive symbol which identifies a business.

Sign, Menu Board

A sign placed adjacent to a “drive-through” lane which advertises products and prices of products intended to be purchased and/or picked up by purchasers while remaining in their vehicle, and which is located adjacent to the use or business selling said products.

Sign Message

The thought or idea conveyed or expressed by the words, letters, insignia, figures, designs, fixtures, colors, motion, illumination, sound or projecting images or any combination thereof.

Sign, Off-Premises

A sign advertising a land use, business, product or service not located or available upon the premises whereon the sign is located.

Sign, Permanent

A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

Sign, Permanent Freestanding Sign

Any permanent sign that is erected as an individual or stand-alone structure, not attached to a building, wall, or fence.

Sign Permit

A permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion, or demolition of any sign, issued pursuant to these Regulations.

Sign, Project Identification

A sign whose only message consists of the name and/or address of the development which is located on the parcel of land containing the project (i.e. Smith’s Shopping Center, Smith’s Office Park, The Smith Hotel, etc.).

Sign, Projecting

A sign which projects from a wall or roof and is supported by a wall or roof of a building.

Sign, Roof

A sign upon or above the roofline or parapet of the building or structure.

Sign, Special Area/Theme

A sign which identifies a unique, planned area of the County such as a Metro District, residential community, conglomeration of office parks, etc.

Sign Structure

A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, sign board, and framework designed to contain a sign message. Sign structure is not meant to include the message conveyed by the sign.

Sign, Temporary

Temporary signs shall include, but not be limited to, any exterior sign, banner, pennant, valance or advertising display:

- A. Which is constructed of cardboard, paper, cloth, canvas, fabric, plywood, light weight plastic or other light weight material, with or without frame; or
- B. Which is designed for short-term use, or to be moved about from place to place, or not permanently affixed to a nonmovable, non-portable supporting structure.
- B. "Temporary signs" shall not include signs placed in the open bed of a vehicle or printed, affixed, lettered, placed upon or attached to a vehicle.

Sign, Top of Building

A sign located above the top row of windows and below the parapet edge or leading edge of the building roofline.

Sign, Wall

A sign attached to, painted on, or erected against a wall or parapet wall of a building, structure or fence whose display surface is parallel to the face of the building, structure or fence and whose height does not exceed the height of the wall, structure or fence to which said sign is attached, painted upon, or against which said sign is erected.

Sign, Window

A sign which is applied or attached to, or located within one foot of the interior of a window, which sign can be seen through the window from the exterior of the structure.

Sign Without Backing

Any word, letter, emblem, insignia, figure, or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display area.

Site-Specific Development Plan

Pursuant to the Colorado Revised Statutes, as may be amended, a Plan approved by the Board of County Commissioners which grants a vested property right.

Slaughter House

An industrial facility where animals are processed for consumption as food products, and the facility meets all of the air and water quality requirements of the public health agencies.

Slope

The vertical elevation of a land area divided by the horizontal distance, expressed as a percentage. For purposes of this Land Development Code, slopes must cover a total land area of at least 5,000 square feet.

Small Solar System Facility or Facilities

A definable area where an Applicant has disturbed or intends to disturb the land surface in order to locate a solar power generating facility designed to produce electricity with a maximum capacity of five Megawatts alternating current (5 MWac), or the current Public Utilities Commission MW capacity limit, whichever is greater. A small solar system does not include battery storage equipment of facilities.

Small Solar System Facility Boundary

A definable perimeter limit around a small solar system facility at the outer edge of the facility fencing.

Small Wind Energy Conversion System (SWECS)

Any mechanism, including blades, rotors, or other moving surfaces, designed for the purpose of converting wind energy into mechanical or electrical power. For the purpose of these Regulations, towers, tower bases, guy wires and any other structures necessary for the installation of a small wind energy conversion system are also included. To be considered a SWECS, the capacity can be up to 100 kW for each wind energy conversion system.

Snow Shadowing

The effect of shadows from buildings, structures and coniferous landscaping located on the south sides of public rights-of-way, reducing the ability of solar radiation to melt ice and snow.

Solid Waste Disposal Facility

A facility designed and licensed under applicable State and local law and regulation for the purpose of storage, treatment, processing, or final disposal of solid wastes.

Solid Waste Disposal Site and Facility

The location and facility at which the deposit and final treatment of solid, liquid or hazardous wastes occurs or a discrete area of land or an excavation where solid wastes are placed for final disposal, which is not a land application unit, waste impoundment, or waste pile. Landfills include, but are not limited to: ash monofills, construction and demolition landfills, industrial landfills, sanitary landfills, tire monofills and similar facilities where final disposal occurs. This definition does not include Injection Wells.

Special Flood Hazard Area (SFHA)

The land in the floodplain subject to one percent or greater chance of flooding in any given year, i.e. the 100-year floodplain. It is the land area covered by the floodwaters of the base flood on the Flood Insurance Rate Maps. The SFHA is the area where the National Flood Insurance Program's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, AE, A99, AR, AR/AE, AR/AO, AR/AH, and AR/A.

Specific Development Plan (SDP)

The document required to be submitted and approved in order to complete the first step of the Two-Step Planned Unit Development process, or the second step of the Three-Step Planned Unit Development process, in Section 5-3.3, Planned Unit Development. This document provides specific information regarding the type, scale, layout, design, and quality of proposed land uses, open spaces, and circulation systems, as well as information required to allow later site design approvals to occur through the Administrative Site Plan process.

Specified Anatomical Areas

As used herein means and includes any of the following: less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola: or human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities

Means and includes any of the following:

- A. the fondling or other intentional touching of human genitals, pubic region, buttock, anus or female breast;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. Human genitals in a state of sexual stimulation, arousal or tumescence; or,
- E. Excretory functions as part of or in connection with any of the activities set forth in subparts (A) through (D) of this definition.

Spill

Any unauthorized sudden discharge of any exploration and production waste or other pollutant to the environment.

Stable, Private

A structure to house riding animals, which shall be limited to the capacity of not more than one riding animal per acre.

Stable, Commercial

A building or shelter to house riding animals on a rent, lease or fee basis.

Stable, Community

A structure or shelter owned and maintained jointly by several property owners to shelter riding animals; provided, however, that no space shall be occupied by animals owned by other than the joint owners of such structure or shelter.

Stables (Private or Community)

Shall be located on the rear half of a lot, not closer than 25 feet from any property line, and not closer than 50 feet from any dwelling.

Start of Construction

- A. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home or a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.
- B. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep Slope

Slopes that are 15 percent or greater.

Storage Capacity, Floodplain

The volume of space above an area of floodplain that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving. Storage capacity tends to reduce downstream flood peaks.

Storage Container (a/k/a cargo, Conex, shipping container)

A portable, pre-manufactured steel structure designed to be relocated as needed; used solely for the storage of goods and equipment.

Street

A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

Street, Arterial

A street designed to carry high volumes of traffic across and through the County and which interconnects with and augments the regional thoroughfare systems to provide service for trips of moderate length and to distribute travel areas smaller than those of regional thoroughfares.

Street, Collector

A street connecting a series of local streets to each other in such a manner that local traffic is collected and distributed to other collector or to arterial streets. Collector streets provide both land access services and local traffic movement within and between residential neighborhoods, commercial areas and industrial areas.

Street Cul-De-Sac

A local street of relatively short length with one open end and the other end terminating in a vehicular turnaround.

Street, Dead-End

A street that is connected to another street at one end, but which is intended to ultimately connect with another street at the closed end.

Street Frontage

The distance along any boundary line of a lot which is also the boundary line of a public street, road or highway right-of-way. A local or collector street parallel and adjacent to a regional thoroughfare or arterial street providing access to adjacent properties at specified points.

Street, Local

A street primarily intended to serve and provide access to properties abutting the street and not connecting with other streets in such a way as to encourage through traffic.

Street, Private

The pavement design and construction of private streets shall be in accordance with criteria contained in the Arapahoe County Roadway Design and Construction Standards. A note so indicating shall be placed on the Final Plat, Replat, Final Development Plan, Subdivision Development Plan, or other official document prior to execution by the Board of County Commissioners.

Street, Regional Thoroughfares

Streets and highways primarily designed to serve major centers of activity within a metropolitan area, having high existing or projected traffic volumes and carrying a high proportion of the total urban travel within a minimum of mileage.

String of Lights

A series of lights attached to a wire, race, or inserted in transparent tubing in such a way that it can be moved about or hung in various ways, and whose bulbs are not luminaires permanently attached to a building or other structure.

Structure

When used in Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#), means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Structure (Non-Floodplain)

Anything constructed or erected that requires location on the ground or attached to something having location on the ground but excluding in-ground swimming pools. This definition also includes signs, fences, or walls used as fences, as otherwise regulated in this Code and requiring a building permit.

Structure, Temporary

A structure which is not a permanent structure, or one which is constructed for a special purpose in contemplation of eventual removal. For the purpose of these Regulations, the term "temporary" shall mean a period up to six months.

Subdivider or Developer

Any person, firm, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sales, or lease of a subdivision.

Subdivision Improvements Agreement

One or more security arrangements which the County shall accept to secure the actual cost of construction of such public improvements as may be required by the Board of County Commissioners.

Subdivision and Subdivided Land

Any parcel of land in the State which is divided into two or more parcels, separate interests, or interests in common, unless exempted under subsections (A), (B) or (C).

- A. The terms "subdivision" and "subdivided land" as defined above shall not apply to any division of land which creates parcels of land each of which comprise 35 or more acres of land, none of which is intended for use by multiple owners.
- B. Unless the method of disposition is adopted for the purpose of evading this article, the terms "subdivision" and "subdivided land" as defined above, shall not apply to any division of land:
 1. Which creates parcels of land, such that the land area of each of the parcels, when divided by the number of interests in any such parcel, results in 35 or more acres per interests;
 2. Which is created by a lien, mortgage, deed of trust or any other security instrument;
 3. Which could be created by any court in this state pursuant to the law of eminent domain, or by operation of law, or by order of any court in this state if the Board of County

Commissioners of Arapahoe County, in which the property is situated, is given timely notice of any such pending action by the court and given opportunity to join as a party in interest in such proceeding for the purpose of raising the issue of evasion of provisions of these Regulations prior to entry of the court order; and, if the Board does not file an appropriate pleading within 20 days after receipt of such notice by the court, then such action may proceed before the court;

4. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity;
 5. Which creates cemetery lots;
 6. Which creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; or
 7. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common and any such interest shall be deemed for the purposes of this section as only one interest;
 8. Which is created by a contract concerning the sale of land which is contingent upon the purchaser's obtaining approval to subdivide, pursuant to this article and any applicable County regulations, the land which he is to acquire pursuant to the contract;
 9. Which is created by the combination of contiguous parcels of land into one larger parcel. If the resulting parcel is less than 35 acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than 35 acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in 35 or more acres per interest. Easements and rights-of-way shall not be considered interests for purposes of this subparagraph.
- C. The Board may exempt from this definition of the terms "subdivision" and "subdivided land," any division of land if the Board determines that such division is not within the purposes of this article.

Subdivision Regulations

The Subdivision Regulations duly adopted by the Board of County Commissioners of Arapahoe County and contained in this Land Development Code in Chapters 4 and 5.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial Improvement

Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surface Water

A perennial or intermittent stream or any perennial surface water body.

Swimming Pools (Private)

Including hot tubs, spas, artificial ponds or other structures capable of containing more than a 24-inch depth of water. Pools shall not be located closer than 10 feet from any property line. Swimming pools shall comply with the Arapahoe County Building Code.

Tank

As used herein shall have the same definition as stated in the Colorado Oil and Gas Conservation Commission Rules of Practice and Procedure, 100 Series Definitions (2 CCR 404-1 and as may be duly amended).

Tavern

An establishment for the sale and on-premises consumption of alcoholic beverages, by the drink, to the general public and where food is sold or served accessory to the primary use.

Technical Review Committee

The committee established to review and evaluate design and engineering issues, and minimum requirements related to subdivision and development. The committee also considers variance and waiver requests of County criteria, regulations, and standards. The committee is comprised of representatives of the Engineering Services Division, Transportation Division, and Road and Bridge Division that have review responsibilities established by County rules and regulations.

Temporary Batch Plant

A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

Temporary Concrete and/or Batching Plant.

A temporary concrete mixing and/or asphalt batching plant used for construction of a road or structure.

Temporary Structure

See Structure, Temporary.

Time and/or Temperature Devices

Signs consisting of devices which provide time and/or temperature information.

Tires, Batteries and Accessories

Retail establishments which perform minor auto repair, as defined in this section.

Thematic Vacations

Social, educational or cultural gatherings, for one or more days, conducted in a farm-like atmosphere including such activities as "visiting farmer" vacations.

Topsoil

The layer at the surface of the earth which has been so modified and acted upon by physical, chemical and biological agents that it will support rooted plants necessary to achieve reclamation goals.

Tract

A parcel platted in a subdivision which is set aside as a restricted tract unsuitable for development, or for a public or community-wide purpose which shall be shown on the face of the plat. A public or community-wide purpose may include a drainage area, stormwater detention or retention areas, areas for signs, parks, open space, utilities, or land areas reserved for other public facilities. Except for restricted tracts, a tract is further defined as having been dedicated to the County or a quasi-public agency, or as being owned by a homeowners association for the subdivision in which the tract is located.

Traffic Pattern Area

A racetrack or rectangular-shaped pattern beginning at the departure end of a runway and terminating of the arrival end of the same runway, which provides an average flight path for arriving and departing aircraft. For Centennial Airport, the Traffic Pattern Area is designated as the "Restricted Development Area.

Trail

A public pathway for the use of pedestrian, non-motorized bicycle, or equestrian uses officially designated on a subdivision plat of record, or the County's Comprehensive Plan.

Transmission Lines

Any electric transmission line and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation, which are designed for or capable of, the transmission of electricity at 115 kilovolts or greater.

Trash Container/Dumpster

A waste receptacle designed to be emptied into garbage trucks.

Trash Enclosure

An enclosure constructed to secure, contain, or visually screen dumpsters/trash containers.

Truck Stop

A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants, motels, accessory entertainment such as video arcades. A truck stop may allow overnight accommodations not otherwise associated with a hotel/motel use.

Turnaround

The circular or T-shaped terminating end of a cul-de-sac which provides sufficient area for the turning of emergency vehicles, sanitation trucks, or other service vehicles and automobiles.

Twenty-Four (24) Hour Use

A land use whose hours of operation exceed 18 consecutive hours in any 24-hour day. A land use seeking hours of operation in excess of 18 hours in any 24 hour period.

Underground Mining

Mining activity which occurs primarily beneath the surface of the ground.

Uniformity Ratio

The ratio between the maximum initial horizontal illuminance level and the minimum initial horizontal illuminance level on the site and within a specific use area such as a parking lot

Unincorporated

Situated outside of cities and towns, so that, when used in connection with "territory", "areas", or the like, it covers, includes, and relates to territory or areas which are not within the boundaries of any city or town.

Upset Condition

As used herein shall have the same definition as stated in the Colorado Oil and Gas Conservation Commission Rules of Practice and Procedure, 100 Series Definitions (2 CCR 404-1 and as may be duly amended).

Urban Growth Boundary

An urban growth boundary (UGB) is a planning strategy used by Denver Regional Council of Governments (DRCOG) and accepted by Arapahoe County by the intergovernmental agreement known as the Mile High Compact. The Urban Growth Boundary/Area defines where future development is intended to occur so infrastructure can be planned and constructed more cost-effectively. An urban growth boundary also encourages a more compact development pattern by directing growth inward, stimulating infill and redevelopment activity, and capitalizing on the use of existing infrastructure.

Urban Drainage And Flood Control District (UDFCD)

A multi-jurisdictional independent service district tasked with assisting local governments with drainage and flood control problems and providing oversight and management of drainage facilities within the boundaries of the district. Within the County, the eastern limit of the UDFCD boundary coincides with County Road 121, Schumaker Road.

Use

The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied.

Use By Special Review

Use which must have approval of the Board of County Commissioners before being allowed in a specific District.

Use, Principal

The primary use located on a parcel.

Use, Special Exception

Use which must have approval of the Arapahoe County Board of Adjustment before being allowed in a specific District.

Utility Lines

All utility lines, except major transmission lines, shall be placed underground in all zoning districts, unless the Board of County Commissioners grants an exception.

Variance

A grant of relief to a person from the requirements of this LDC when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Land Development Code.

Vehicle Repair, Major

A commercial business for the general repair, rebuilding, or reconditioning of engines and drive trains, framework, body work, welding and painting performed on motor vehicles and trailers.

Vehicle Repair, Minor

A commercial business for the servicing of passenger and light-truck motor vehicles including the replacement and/or repair of parts, but not requiring the removal of the engine or drive train or pieces of body work larger than minor trim, and including the replacement of tires, batteries, vehicle fluids, exhaust systems and brakes.

Vested Property Right

Pursuant to the Colorado Revised Statutes, as may be amended, a property right granted for three years after approval of a "site specific development plan," as approved by the Board of County Commissioners.

Violation

When used in conjunction with the Floodplain Management Regulations, the failure of a structure or other development to be fully compliant with Section [Error! Reference source not found.4-3](#), [Error! Reference source not found.Floodplain Management](#).

Voided Annexation

The result of a court action which has the effect of making the land use regulations created upon an annexing parcel of land voidable. A parcel of land which has had its annexation voided and is required to rezone under these Regulations prior to development of the parcel.

Warehouse

A facility for the storage of merchandise or materials for later shipment, reshipment or processing as a separate industrial or commercial operation that may include heavy truck traffic and categorized organization of the stored materials.

Waste Transfer Station

A fixed facility where non-hazardous solid waste and rubbish from collection vehicles is consolidated for subsequent transfer to disposal sites.

Watercourse

See Drainageway.

Water Source

A surface water body or groundwater that includes streams, ponds or springs and water wells that are registered with the Colorado Division of Water Resources, including household, domestic, livestock, irrigation, municipal/public, and commercial wells, permitted or adjudicated springs, or monitoring wells installed for the purpose of complying with groundwater baseline sampling and monitoring requirements.

Water Surface Elevation (WSE)

Means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Well Pad

As used herein Well Pad shall have the same meaning as Well Site defined in the Colorado Oil and Gas Conservation Commission Rules of Practice and Procedure, 100 Series Definitions (2 CCR 404-1 and as may be duly amended). Also see Pad Boundary.

White Light Source

A light source that falls within the 460 and 580 nanometer wavelight of light.

Wind Energy Conversion System

See Small Wind Energy Conversion System (SWEC) or Large Wind Energy Conversion System.

Winery Operations

The cultivation of plants intended for the production of wine, research of agricultural crop potential, importation of grapes and related products from vineyards, production of wine and/or the sale of related products.

WSE

See Water Surface Elevation (WSE).

Yard, Front

Required unobstructed open space extending from the front lot line into a lot over the full lot width, excepting driveways and walks.

Yard, Rear

Required unobstructed open space extending from the rear lot line into a lot over the full lot width; provided, however, that exterior chimneys, soffits and bay windows may extend into the rear yard a distance of up to 24 inches. Said rear yard shall be measured from the property line to the foundation or the nearest point of projection of the structure.

Yard, Separation

Minimum distance between structures measured from the foundation of one structure to the foundation of an adjoining structure; provided, however, that exterior chimneys, soffits and bay windows may extend into this open area a distance of up to 24 inches for each of the structures.

Yard, Side

Required unobstructed open space extending from the side lot line into a lot over the full lot depth; provided, however, that exterior chimneys, soffits and bay windows may extend into the side yard a distance of up to 24 inches. Said side yard shall be measured from the property line to the foundation or to the nearest point of projection of the structure.

Zero Lot Line

A situation in which either two adjoining structures on adjacent but separate properties share a common wall or a structure is built up to its property line with no easement or setback requirement.

HB24-1304

Minimum Parking Requirements

Concerning parking requirements within metropolitan planning organizations.

SESSION: 2024 Regular Session

SUBJECT: Local Government

BILL SUMMARY

The act prohibits a municipality that is within a metropolitan planning organization (MPO) or a county that has unincorporated areas within an MPO (local government), on or after June 30, 2025, from enacting or enforcing minimum parking requirements that apply to a land use approval for a multi-family residential development, adaptive re-use for residential purposes, or adaptive re-use mixed-use purposes which include at least 50% of use for residential purposes that is within, as applicable, the unincorporated area of the county or the municipality, within a metropolitan planning organization, and at least partially within an applicable transit service area. An applicable transit service area is an area identified by a map published by the department of local affairs as an area that is one-quarter mile of certain transit stops.

The prohibition on enacting or enforcing minimum parking requirements does not lower the protections provided for persons with disabilities or prohibit a local government from:

- Enacting or enforcing a maximum parking requirement;
- Enforcing any agreement made before the effective date of the act in connection with a land use approval to provide regulated affordable housing in exchange for reducing minimum parking requirements;
- Being awarded funding for affordable housing that requires a ratio of a certain number of parking spaces;
- Enacting or enforcing a minimum parking requirement for bicycles; or
- Imposing the following requirements on a parking space that is voluntarily provided in connection with a development project:
 - That the owners of such a parking space charge for the use of the space;
 - That the owner of such a parking space contribute to a parking enterprise, permitting system, or shared parking plan; and
 - That such a parking space allow for electric vehicle charging stations in accordance with existing law.

Furthermore, notwithstanding the prohibition on enacting or enforcing minimum parking requirements, a local government may impose or enforce a minimum parking requirement in connection with a housing development project that is intended to contain twenty unity or more or contain regulated affordable housing. To impose or enforce such a minimum parking requirement, a county or municipality must publish certain written findings and annually report to the department of local affairs.

Lastly, the act requires the department of local affairs:

- In consultation with the department of transportation, and the Colorado energy office, to develop and publish best practices and technical assistance materials concerning optimizing parking supply and managing parking; and
- In consultation with the department of transportation, the Colorado energy office, metropolitan planning organizations, and transit agencies that operate within metropolitan planning organizations, to publish a map that designates applicable transit service areas to be used by local governments in complying with the act.

APPROVED by Governor May 10, 2024

EFFECTIVE August 7, 2024

(Note: This summary applies to this bill as enacted.)

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Proposition 123 - Affordable Housing Commitment

10/3/2023 1:18:12 PM

Set a Baseline

1. Set an Affordable Housing Baseline

Enter the Name of your County, Municipality, or Tribe: Arapahoe County

Baseline Amount: 1446

Baseline Income Limit: Area Median Income of an Adjacent Jurisdiction

If you select the Area Median Income of an adjacent jurisdiction, or the state household median income, as your income limit type then you must submit a petition to the Division of Housing to use these alternative policy options.

Baseline Supporting Information

2. Provide Information Supporting The Baseline

Populate the following information that was used to determine your baseline amount of affordable housing:

Baseline Data Source: U.S. Census Bureau American Community Survey, 2017-2021 5-Year Estimates

Baseline County: Washington and Lincoln Counties

Baseline Household Size: 3

Baseline Determination Methodology Narrative: Arapahoe County used the baseline assistance tool provided by DOLA to determine our affordable housing baseline number. We are using an income limit year of 2022, which was provided in the baseline assistance tool provided by DOLA. We are using the AMI of a neighboring jurisdiction- Lincoln and Washington Counties, based on the availability of land in the unincorporated areas of our County. This is further described in section 2.b of this submission. We are using a household size of 3. Based on the ACS estimated data for Arapahoe County, including our municipalities, we have an average household size of 2.61 and an average household size of 2.72 in unincorporated Arapahoe County. Based on this, we are rounding up to 3. We are using a sale unit availability rate of 12.4%. Per DOLA's guidance "Only for-sale homes that can be purchased over the commitment period by a household at 100% of the median income are considered affordable. The American Community Survey does not provide data on home sales, but it does provide data on moves into owner-occupied stock housing stock. Roughly 21% of homeowners in Colorado moved into their home from 2019 to 2021, which is provided as the default value above". Using the ACS 5-Year Estimates for Unincorporated Arapahoe County, Table B25026 "Total Population in Occupied Housing units",

12.4% of the unincorporated county's population moved into their home in 2019 or later. We are using an inflation rate of 25.8%. This is based on the US Federal Housing Finance Agency (FHFA), All-Transactions House Price Index, the two-year (January 1, 2021 to January 1, 2023) housing cost inflation is 25.8% for the Denver-Aurora-Lakewood MSA. Based on the FHFA All-Transactions House Price Index for non-metro areas in Colorado, the housing cost of inflation was 33.9%. We used the metro number provided to demonstrate the inflation more closely in our area. We are using an interest rate of 7.1%. Based on FreddieMac data as of the week of 9/14/23, the US Weekly average for a 30-year fixed mortgage was 7.18%. We are using a mortgage term of 30 years as provided in DOLA's baseline tool. We are using an annual property tax amount of \$3,000 and an annual property/mortgage insurance amount of \$1,000 as provided in DOLA's baseline tool. We are using a down payment amount of 5% as provided in DOLA's baseline tool.

2.b. Justify a Petition to Use an Alternative Income Limit

You have selected an income limit that is not the Area Median Income of your own jurisdiction, a petition must be submitted explaining this decision so that the standard policy requirement can be waived.

Describe how the alternative income limit reflects local housing and workforce needs better than the Area Median Income: Arapahoe County dedicated significant time in researching our current housing and workforce needs to determine the most appropriate baseline to petition for Prop 123 purposes. Arapahoe County compiled the total number of housing developments in our area, to include the number of affordable units, while also researching available land available for development in our unincorporated areas. We determined the county's total number of housing development units in the unincorporated area was 325 total units in 2022, with the number of affordable units (as defined by proposition 123) was zero. Annually, we have limited residential development in unincorporated areas of the county. In 2022, new unincorporated permits accounted for about 7.5% of all residential development in Arapahoe County. Second, within our urbanized areas, the county has limited available parcels for redevelopment. For example, in the 1,729 (2.7 square miles) of the "Four Square Mile" area, planning staff have identified approximately 35 acres of potential affordable housing development sites. Those potential sites also face numerous hurdles: they are mostly zoned for other uses, are relatively small (none larger than 5 acres), have multiple owners, and may not be suitable for multifamily based on their classification within the County's Comprehensive Plan. Most of the available land for such development is in the rural portion of the county, including the communities of Strasburg and Byers. As such, we believe that usage of our neighboring county AMI, more closely reflects the AMI in the areas which we will be targeting and able to increase development specifically in unincorporated Arapahoe County.

Describe why the Area Median Income is inconsistent with the housing and workforce needs of your jurisdiction: Arapahoe County dedicated significant time in researching our current housing and workforce needs to determine the most appropriate baseline to petition for Prop 123 purposes. Arapahoe County compiled the total number of housing developments in our area, to include the number of affordable units, while also researching available land available for development in our unincorporated areas. We determined the county's total number of housing development units in the unincorporated area was 325 total units in 2022, with the number of affordable units (as defined by proposition 123) was zero. Annually, we have limited residential development in unincorporated areas of the county. In 2022, new unincorporated permits accounted for about 7.5% of all residential development in Arapahoe County. Second, within our

urbanized areas, the county has limited available parcels for redevelopment. For example, in the 1,729 (2.7 square miles) of the “Four Square Mile” area, planning staff have identified approximately 35 acres of potential affordable housing development sites. Those potential sites also face numerous hurdles: they are mostly zoned for other uses, are relatively small (none larger than 5 acres), have multiple owners, and may not be suitable for multifamily based on their classification within the County’s Comprehensive Plan. Most of the available land for such development is in the rural portion of the county, including the communities of Strasburg and Byers. As such, we believe that usage of our neighboring county AMI, more closely reflects the AMI in the areas which we will be targeting and able to increase development specifically in unincorporated Arapahoe County.

File a Commitment

3. File a Commitment

Commitment Optional Priorities Narrative: Arapahoe County is committed to prioritizing the development of affordable housing in our area and has already begun to take actions to modernize our current code to further support this, consistent with HB21-1271 . In November 2022, Arapahoe County met four of the 16 qualifying strategies. In September 2023, Arapahoe County implemented Accessory Dwelling Units (ADUs) in single-family zone districts. Arapahoe County also is in the process of working to implement the additional following items to help prioritize affordable development in our area: 1. Permit modular/manufactured/mobile homes in commercial zones in rural town centers (Byers/Strasburg) 2. Streamline the Planned Unit Development Process for Non-profit Developers of affordable housing (2-step process vs 3-step process) 3. Create Incentives/Bonuses (increased density and/or height and decreased parking, setbacks, and open space) for affordable housing projects 4. Create incentives for development near transit stations (reduced parking and setbacks) 5. Create a Mixed-Use zoning district (to allow commercial & residential buildings) 6. Create multi-family zone district to allow multi-family development by-right Arapahoe County is also exploring the inventory of county surplus land for potential donation for AH projects. In addition to the land use changes being implemented in our County, Arapahoe County has prioritized our one-time federal American Rescue Plan Act (ARPA) dollars to be put towards the creation of more affordable housing, all along the housing continuum. This included \$23 million dollars that were allocated specifically for shelter creation, transitional housing, permanent supportive housing, and affordable housing development in our county. Arapahoe County continues to receive annual Housing and Urban Development (HUD) allocations of Community Development Block Grant (CDBG) and HOME Investment partnership funds on an annual basis, which are used to provide gap funding for new affordable housing development in our County as well as to ensure the sustainability of existing affordable housing in our area. With our limited annual funds, Arapahoe County is committed to increasing affordable housing in Arapahoe County and partnering with our municipalities, developers, and non-profit organizations to meet the gaps identified in our 5-year HUD consolidated plan and housing needs assessment.

Commitment Cooperation Narrative: With our annual HUD allocations, our one-time ARP and Covid HUD allocations, and our one-time ARPA allocations for affordable housing, we have provided funding to advance affordable housing exclusively in our municipalities. This is due to the availability of land to develop being located primely in their jurisdictions, within the metro area. In addition, we know that partnership on these projects is crucial in order to ensure that

projects have the ability to diversity their capital needs amongst more than one source. Arapahoe County values our partnerships in the past, present, and future with our municipalities. Arapahoe County demonstrates partnership most significantly with: Aurora, Littleton, Englewood, Sheridan, and Centennial through current and future joint projects and programs. Arapahoe County will also plan to continue future partnership building with Byers, Strasburg, and Bennett to increase development in our rural areas, which is where we see the highest opportunity for growth in our unincorporated parts of the County.

I agree that the three year goal to increase affordable housing in my jurisdiction is 130, and the annualized goal is 43, based on 3% annual increases over the baseline amount of 1446.

The jurisdiction of Arapahoe County commits to increasing the number of affordable housing units within its territorial boundaries through the new construction or conversion of 130 affordable housing units by December 31, 2026.

This commitment may also be achieved through the new construction or conversion of affordable housing units outside of the boundaries of Arapahoe County, but only if a written agreement exists with that jurisdiction to so that partial credit for the achievement can be received by each jurisdiction.

If this goal is not achieved, then projects and programs taking place within my jurisdiction will be inelligible for funds originating from the State Affordable Housing Fund from January 1, 2027 through December 31, 2027.

These activities will also be inelligible if my jurisdiction does not submit information to the State of Colorado, Division of Housing evidencing achievements in annual increases, or a lack thereof. Affordable housing units may only be included for this purpose if they meet the definitions at Colorado Revised Statutes 29-32-101(2) and 29-32-105(3)(c).

If my jurisdiction does not achieve its commitment, then grantees, borrowers, or contractors operating or developing within my jurisdiction will not repay funds, or have funds deobligated from them, for the sole reason that the commitment was not achieved.

I agree with the above statements:

Yes

No

HB24-1313

Housing in Transit-Oriented Communities

Concerning measures to increase the affordability of housing in transit-oriented communities, and, in connection therewith, making an appropriation.

SESSION: 2024 Regular Session

SUBJECTS: Housing, Local Government, State Government

BILL SUMMARY

Section 1 of the act establishes a category of local government: A transit-oriented community. As defined in the act, a transit-oriented community is either a local government that:

- Is either entirely or partially within a metropolitan planning organization;
- Has a population of 4,000 or more; and
- Contains at least 75 acres of certain transit-related areas; or

If the local government is a county, contains either a part of:

- A transit station area that is both in an unincorporated part of the county and within one-half mile of a station that serves a commuter rail service or light rail service; or
- A transit corridor area that both is in an unincorporated part of the county and is fully encompassed by one or more municipalities.

The act requires a transit-oriented community to meet its housing opportunity goal. A housing opportunity goal is a zoning capacity goal determined based on an average zoned housing density of 40 dwelling units per acre multiplied by the number of acres of transit-related areas within a transit-oriented community. On or before September 30, 2024, the department of local affairs (department) shall develop a map that identifies the transit-related areas necessary for the calculation of a housing opportunity goal and the various reports required by the act. To accomplish its housing opportunity goal, a transit-oriented community shall ensure that the zoning capacity within certain areas of the transit-oriented community meets or exceeds the transit-oriented community's housing opportunity goal.

The main category of area that the act requires a transit-oriented community to increase the zoning capacity of to meet the transit-oriented community's housing opportunity goal is a transit center. In order to qualify as a transit center, an area must:

- Be composed of zoning districts that uniformly allow a net housing density of at least 15 units per acre;
- Identify the effective net housing density for the area by accounting for dimensional or other restrictions used to regulate density in the area, accounting for minimum parking requirements, and assuming an average housing unit size;
- Not include any area where local law exclusively restricts housing occupancy based on age or other factors;
- Have an administrative approval process for multifamily residential property development on parcels that are 5 acres or less in size; and
- Be located wholly or partially within a transit area or optional transit area and not extend more than one-quarter mile from the edge of a transit area or optional transit area.

In addition to designating an area as a transit center for purposes of meeting a housing opportunity goal, the act allows local governments to designate areas as neighborhood centers for that purpose.

The act requires transit-oriented communities to submit a series of reports to the department regarding the calculation, satisfaction, and implementation of a transit-oriented community's housing opportunity goal. The act requires a transit-oriented community to submit the following to the department:

- On or before June 30, 2025, a preliminary transit-oriented community assessment report to the department that includes the transit-oriented community's housing opportunity goal, the data and method used to calculate that housing opportunity goal, and the areas within the transit-oriented community that may need to be zoned to accomplish that housing opportunity goal;
- On or before December 31, 2026, an identification of the affordability strategies from the standard and long-term affordability strategies menus in the act that the transit-oriented community will implement;
- On or before December 31, 2026, an identification of the displacement mitigation strategies from the long-term displacement mitigation strategies menus in the act that the transit-oriented community will implement; and
- On or before December 31, 2026, a housing opportunity goal report for the department's review and approval that demonstrates that the transit-oriented community has met its housing opportunity goal and complied with the affordability and displacement mitigation requirements of the act.

Additionally, on or before December 31, 2026, a transit-oriented community may notify the department that the transit-oriented community has an insufficient water supply to accomplish its housing opportunity goal, and the transit-oriented community may make a corresponding request for the department to modify the transit-oriented community's housing opportunity goal.

If the department approves a transit-oriented community's housing opportunity goal report on or before December 31, 2027, the department shall designate the transit-oriented community as a certified transit-oriented community. A certified transit-oriented community is the only eligible entity for the transit-oriented communities infrastructure fund grant program (grant program) created within the department. The purpose of the grant program is to assist transit-oriented communities in upgrading infrastructure within transit centers and neighborhood centers. In administering the grant program, the department shall prioritize grant applicants based on the information in the reports described in the act. Grants from the grant program are awarded

from money in the transit-oriented communities infrastructure fund (fund). The fund consists of gifts, grants, and donations along with money that the general assembly may appropriate or transfer to the fund and money in the account described in the act. The fund is continuously appropriated. On July 1, 2024, the state treasurer shall transfer \$35 million from the general fund to the fund.

Section 2 prohibits a planned unit development resolution or ordinance that is adopted on or after the effective date of the act and that applies within a transit center or neighborhood center from restricting the development of housing more than the local law that applies to that transit center or neighborhood center.

Section 3 requires a local government, when requiring a real property owner to dedicate real property to the public, to provide a private property owner the option of paying a fee, rather than dedicating the private real property to the public, if the real property does not meet local government standards for dedication.

Section 4 makes any restriction by a unit owners' association within a transit center or neighborhood center on the development of housing that is adopted on or after the effective date of the act and is beyond the local law that applies to that transit center or neighborhood center void as a matter of public policy.

Section 5 requires the department of transportation to conduct a study that identifies both:

- Policy barriers and opportunities within the department of transportation including an examination of policies within the state access code, roadway design standards, and the treatment of pedestrian and bicycle crossings. The study must examine the impact of these policies on neighborhood centers and transit centers; and
- The portions of state highway that pass through locally-identified transit centers and neighborhood centers that are appropriate for context-sensitive design, complete streets.

In addition to the \$35 million appropriated to the fund, section 7 makes 2 appropriations. First, section 7 appropriates \$183,138 to the governor for use by the Colorado energy office to implement the act. Second, section 7 appropriates \$70,000 to the governor for use by the office of information technology to provide information services for the department.

APPROVED by Governor May 13, 2024

EFFECTIVE May 13, 2024

(Note: This summary applies to this bill as enacted.)

[Read Less](#)



DEVELOPER COMMENTS ON INCLUSIONARY ZONING POLICY DRAFT

On May 1, 2023, City Council indicated interest in understanding the impacts of inclusionary zoning on the development community and directed the Housing Team to connect with developers and bring back feedback for Council consideration.

In May 2023, the Inclusionary Zoning 75% "Rough" Draft policy was shared with the following groups via email. Organization names are underlined if they have responded (as of June 4, 2023) and their feedback is provided below. The City of Centennial is grateful for the time from the development community to provide this feedback as Inclusionary Zoning as a housing strategy is continued to be explored.

- Apartment Association of Metro Denver
- BB Living
- Caliber Home Loans
- Cohen-Esry Development Group
- Community Housing Development Association
- Connett Real Estate
- Dominium
- Doran Properties Group
- Embrey
- Medici Communities
- Mile High Development
- Northwood Investors
- Pledge Financial Group
- Reid Development
- Sares-Regis Group
- Schnitzer West
- Shea Properties
- St. Charles Town Company
- TDC Properties
- Thrive Homebuilders
- Ulysses Development



Apartment Association of Metro Denver

Note: These comments were provided before Centennial's draft was available. Mr. Hamrick will be available at the June 13 Council work session for questions.

From: Drew Hamrick

Sent: Thursday, April 20, 2023 3:23 PM

Subject: RE: City of Centennial Housing Study

The most important factor in developing an inclusionary housing ordinance that does not negatively impact multifamily rental development is to compare the net present value of the rent reduction mandated by the ordinance to the net present value of whatever development incentives are being given in exchange for those rent restrictions. When there's a rough financial equivalence, the program will not hamper development or raise rents on the other residents.

A good example of a program that works well is the federal LIHTC program. In that program typically 20% of the housing units must be artificially priced at 60% of the prevailing market rate. This results in a total revenue loss from the project of 8%. However, the federal government gives a very valuable federal tax credit in exchange for participating in the program, which is roughly equivalent to the loss of revenue. Consequently, developers participate in these programs and there is little development lost because of it.

The Denver program on the other hand requires that 12% of the units be priced at 60% of the prevailing market rate resulting in a 4.8% total revenue loss from the project (it's actually a bit more complex than that because there are several different options and two different geographic areas, but I'm analyzing the least impactful of the option). Denver offers nothing to offset that revenue loss.

The effect of that ordinance has been an 11,377 (from 12,762 to 1,505) unit drop in permit applications for new multifamily rental units (88.3%) from the quarter before the effective date of the ordinance through the first reported quarter after the effect of the ordinance. New rental development has come to a halt in Denver.

This doesn't mean that those units will never be built, but it does mean that they won't be built until the unmet demand for rental housing causes the market rental rate to be bid up by 4.8% to offset that lost revenue stream.

The effect of a poorly drafted ordinance is to halt development until such time as the other unlucky residents are paying higher rent to fund the mandate.

Inclusionary zoning always hurts housing development, but the policies hurt less when they're curbed back with:

- **Higher AMI Targets:** (100% AMI is better than 80% which is better than 60%)



- **Lower Required Percentage of Affordable Units:** (10% seems to be a common target for no particular reason, but the greater the percentage the higher negative impact)
- **Higher Community Size Thresholds**
- **Lower Required Similarity Between Market Units and Subsidized Units .**

Hope this helps. Let me know if you need more from us.

Drew



ANDREW HAMRICK

General Counsel and Senior VP of Government Affairs
Apartment Association of Metro Denver
Colorado Apartment Association
7100 E. Belleview Ave. #305
Greenwood Village, CO 80111

Cohen-Esry Development Group (Two Responses)

From: Nick Emehiser

Sent: Thursday, May 18, 2023 6:37 PM

Subject: RE: Centennial Housing Strategy Feedback

This is fabulous, and congrats on the work you've accomplished on this to-date. I think Lisa will be back my 5/31 and I can also provide some comments. We're both based in the south metro so Centennial is our backyard, and we look at sites in Centennial all the time. We would be so lucky to eventually do a project in Centennial some day.

Best regards,

-Nick

Nick Emehiser

Development Manager, Cohen-Esrey Development Group

From: Lisa Sorensen

Sent: Monday, June 12, 2023 6:40 AM

Subject: RE: Centennial Housing Strategy Feedback

Sorry this is later than I anticipated.

We are having a situation in Colorado Springs where we have full city approval for our project, and it has been appealed by 4 residents. It is a prime example though of how important it is for a city to stand



behind these projects. I am happy to tell you more about it, but will get to your inclusionary zoning comments now 😊

1. Mandatory vs Voluntary: From my experience, market developers will not include the affordable units voluntarily. AND, if they are given the opportunity to “pay a fee” to buy out, they will most certainly do that. So either make the fee so steep, that it is virtually impossible to “buy out” OR if you feel this approach is too strong and may cause developers to avoid projects in the area, then make fees reasonable and it becomes income to provide financing for other affordable projects
2. 5% requirement at 60% & 80% AMI – I think this is VERY reasonable request.
3. Incentive & Adjustments – I think it is Excellent that this section is flexible. It give city staff and the developer some flexibility to work together to figure out what is best of the site and the situation
4. Maximum Building Height – Does this chart say that if the original height is 30 feet and the site is in a spotlight area, that the height can be increased to add another story ? This is good and very helpful. I think this whole section is very good. Sometimes residents will push back on this, although with a good design, and good landscaping, and since you have based it off current zoning in the area, to add 1 more story is not usually that intrusive.
5. One thing to be aware of is what I am facing now on this other project, when writing the rules, to encompass situations to avoid a developer to achieve goals of increased density, parking efficiency, etc. without asking for variances. Because variances = risk. They may be denied and if the public starts contesting decisions made by the city or the developer, the public will always focus on variances. I think you have done a very good job of allowing these adjustments, that would make an affordable project and stay within the code.
6. Rental Requirements - On page 15, #4 stating the applicant has read and understands the deed restriction, is under the rental section and probably should be removed. If the city is going to have a rental covenant, this needs to be addressed because CHFA has a land use restriction agreement and I do not know how these would work together.

If it would be helpful to have a meeting, I would be happy to. I am going to be busy in Colorado Springs this week, but could meet next week.

THANK YOU so much for doing this. The measure you are considering and reviewing are extremely important and help us get these projects to the finish line.

Best,

Lisa

Community Housing Development Association

From: Jo Ellen Davidson

Sent: Monday, June 5, 2023 6:43 AM

Subject: RE: Centennial Housing Strategy Feedback

Sorry to be slow in responding. We are actively working to close our financing for our next 81-unit affordable multifamily rental housing project in Aurora. We will start construction in July and begin delivering quality, affordable rental housing to households earning 30% - 80% AMI by 4th quarter 2024. A very exciting time for us!



I respect and applaud the work the City has accomplished to lay the foundation for creating additional affordable housing options in Centennial. Congratulations! I am very excited to see this thoughtful and meaningful process and outcome. My feedback is that municipalities have an important policy role and opportunity to facilitate housing affordability to help create economically and socially diverse communities. Market rate developers have the horsepower to help meet the housing demand. Leveraging this capacity by creating mandatory affordability criteria – either through inclusion in market rate developments, dedication of land for affordable housing, and/or paying fees in lieu of actual production creates a strong foundation and process for intentional realization of additional affordable housing resources.

As a nonprofit developer what would be most helpful is to have access to affordable land and funding to help limit debt and facilitate truly affordable rents for low- and very-low-income households. We then can take those resources and leverage and blend them with other like-purposed financial resources and partnerships to create beautiful, professionally managed, and owned properties that provide truly affordable quality housing units for Centennial’s modest income residents.

Attached for information is a project summary for our new 81-unit project in Aurora. This project will provide affordable units for households with incomes at 30% - 80% AMI with an overall average income of approximately 56% AMI. This income mix is highly consistent with Aurora’s Housing Strategy that aims to create housing opportunities for 30% - 100%+ AMI households. It also provides the ability for us to serve households that have slightly more income but still are very much in need of affordable rents.

For information we have a total of nine existing properties – 3 in Littleton, 3 in Englewood, and 3 in Aurora. We have long been interested in working in Centennial. The City’s inclusionary zoning could help facilitate that. We are shortly to officially launch our new name “Groveswood Community Development – Affordable Housing Partners”, and website – www.groveswoodcommunitydevelopment.org. The website is a work in progress. We are currently finishing our programs and services section. Again – very exciting times for us.

All best wishes as you continue to implant this important public policy and processes.



Jo Ellen Davidson – Executive Director

People – Places – Possibilities

7951 E Maplewood Ave, Suite 100

Greenwood Village, CO 80111

www.community-housing.org



Connett Real Estate

From: Jordan Connett
Sent: Tuesday, May 30, 2023 12:42 PM
Subject: Re: Centennial Housing Strategy Feedback

I will take some time to more thoroughly read and offer comments at a later date. Though at this time my initial comment would be to encourage the City to provide incentives rather than a mandate for affordable housing. The carrot versus the stick approach. If the carrot is worthwhile, the builders will take it. Hopefully the City can create great incentives that encourage great affordable projects.

Thank you.

Jordan Connett

From: Melanie Ward
Date: Tuesday, May 30, 2023 at 12:47 PM
Subject: RE: Centennial Housing Strategy Feedback

Thank you for the response. What types of incentives would you find most enticing?

You will see the draft proposes incentives, and I would be curious to hear more about how those would impact projects like yours, especially if there are live-work considerations we are missing.

Best, Melanie Ward, AICP

From: Jordan Connett <jordan@connettre.com>
Sent: Wednesday, May 31, 2023 8:54 AM
Subject: Re: Centennial Housing Strategy Feedback

The items I would look for are

- Expedited review times
- Decreased parking requirements
- Increased density
- Free or reduced city fees (review, permit, etc)
- Potential compensation from the city to off set additional costs.

I hope this is helpful.

Jordan Connett



Ulysses Development Group

From: Connor Larr

Sent: Tuesday, May 30, 2023 2:10 PM

Subject: RE: Centennial Housing Strategy Feedback

Thanks for following up. I've attached minor thoughts and comments. As a mission-drive affordable housing developer our projects are 100% income restricted so my focus was on understanding how our projects would be considered under the new plan.

Primarily, the Root study and the policy fails to consider that rentals built under the LIHTC program were clarified to including AMIs from 0-80% AMI so long as the set-asides average to 60% AMI. For example, we are under construction on a 200 unit LIHTC development in Castle Rock. 100% of the units are restricted from 30-70% AMI as we are using "income averaging" under the LIHTC program as clarified in 2022. Under the policy as drafted, even if our development was 100% income restricted and 100% LIHTC-funded, our 70% units would fall outside of this policy.

Secondly, setting aside LIHTC it's unclear how the City would view a non-LIHTC development with 100% of units set aside at 70-80% AMI (workforce / missing middle). We are providing a discount to market rents and are restricting 100% of units, but would potentially be required to insert 60% AMI units into this type of development.

Given that LIHTC developments can range up to 80% AMI and workforce / missing middle developments typically target the 70-80% AMI range Centennial may want to consider figuring out how to incorporate those types of developments as affordable developments so that Centennial doesn't end up with a saturation of 60% AMI units. Saturation at 60% AMI has been a challenge that CHFA has been trying to address for years.

Available to discuss or clarify any of these thoughts or comments.

Thanks

Connor Larr

Partner



Ulysses Development Group

210 University Blvd, Suite 460

Denver, CO 80206



Development Community

Note: Comments below are staff notes from an in-person meeting with an Investment Manager and Development Manager for a development company that focuses on multifamily and Suburban office development.

- Typically, the company's development approach is to identify a site, estimate the cost to build a project, calculate an expected return, then find investors.
- The pension fund investors this developer typically works with expect a 20% return (roughly equivalent to doubling their equity every 5-6 years).
- The sale price of a building equals Net Operating Income (a measure of the income after any operating expenses) divided by the capitalization rate (often called 'cap rate' a measure of the risk investors are taking, or strength of the market. Cap rates vary, but were estimated around 4-5% for multifamily projects in the Denver area)
 - This equation can mean a reduction in achievable rents (through an Inclusionary zoning policy) can have a larger impact on the sale price of a building than expected. In Denver, this has meant paying fees-in-lieu has been the cheaper option.
- When considering a toolkit of incentives, the commenters proposed:
 - Remove/reduce property taxes for affordable units
 - Offer more areas for 4-5 story construction instead of single-family homes
 - Decrease costs by reducing/eliminating tap fees
 - Decrease parking minimums (often build 1.3 parking spaces per unit, some areas can support 1.1 parking spaces per unit)
 - Consider focusing on areas where denser development can support transit/bicycle/pedestrian infrastructure and lower parking requirements



FALL 2022 OUTREACH

In addition, the project team conducted one-on-one interviews with the development community in September 2022 as the Housing Working Group was evaluating the nine housing strategies.

Interviews were conducted with representatives from BB Living, Community Housing Development Association, Connett Real Estate, Mile High Development, Medici Communities, and Vermillion Creek ownership.

The following summary was shared with the Working Group in October 2022, and was incorporated into the Working Group's strategy recommendations.

Developer Housing Survey, September 20, 2022

Key: AD = question for all developers, MR = question for market rate developers

1. Introductory/Scheduling Email

Good Afternoon/Morning,

I am reaching out on behalf of the City of Centennial, Colorado, who is undertaking an affordable housing study. The City is exploring ways to ease regulatory barriers to the development of affordable and attainable housing, as well as considering incentives to help spur these types of developments. We were hoping you might have 30 to 60 minutes to speak with us about your impressions of some potential regulation and policy update ideas to help us calibrate how they might be useful for the development community.

If you are willing to speak with us, please let me know your availability in the next couple of weeks, and we can schedule a quick chat. Thanks in advance!

2. Background

A. AD: What types of residential development are you focusing on? Who is your target market?

- Every affordable developer we spoke with focuses solely on multifamily.
- Market rate developers we spoke with build a variety of unit types.

B. AD: Have you had experience developing in Centennial? Can you describe your most recent project?

- The affordable developers we spoke with had not developed in Centennial but were interested in doing so.

3. Uses and Development Standards



- A. AD: Are there types of housing that you would like to build that are currently difficult to develop? Does it help to rezone to PUD? Have you found any other solutions?
- No one responded yes to this, but affordable developers suggested that zoning more land for multifamily would be really helpful.
- B. AD: Which development standards (lot size, lot coverage, building height, setbacks, etc.) do you think are the biggest barrier to building less expensive/affordable housing developments/units?
- Affordable developers did not think the development standards would be particularly helpful. Extra height meant that they would need to build a more expensive type of structure, while the other factors were not a barrier to building housing.
 - Some market rate developers thought that smaller lot sizes could lead to less expensive housing, but generally believed that they would need to do condos or attached housing to sell units for under \$500k.
- C. AD: Would reducing parking requirements help you develop less expensive housing in Centennial?
- The majority of affordable developers we spoke to said that they generally don't like to build less than the required parking, because they want to be sure that their residents can park several cars. They believed that low-income workers are often extremely reliant on cars to get to multiple jobs across the metro region, and often need more than one, since everyone in the household needed to work.
 - Other affordable developers said that reducing parking was a huge benefit and believed that low-income workers have as few cars as possible and would figure extra parking out if needed. The cost of more than one car per unit was a major factor in their developments. Reducing parking near transit made a lot of sense to them.
 - Market rate developers thought it made sense to build less parking near transit, but otherwise would build at least the required parking despite lowering parking minimums.
- D. AD: Are there other zoning barriers that could be changed to make it easier for you to develop at lower price points?
- Some developers mentioned that required amenities often raise the cost of housing, such as requiring patios. Other than zoning more land for multifamily, no other developers had ideas outside of our questions.

4. Permitting Process



- A. AD: How much does the permitting/development review process impact the cost of development? What would make it better, speeding up the process, reducing application fees, or both?
- For affordable developers, process was the major barrier to building affordable housing. They said that grants, and other funding mechanisms, often had tight timelines associated with their usage. They also mentioned that the cost of holding onto land, the upfront fees required to pay architectural, engineering, and other services, and application/impact fees were often difficult early in the process.
 - Some of their suggestions:
 - Allow affordable housing projects to be approved administratively.
 - Ensure that multifamily is a use-by-right in more places.
 - Fast track affordable developments by reviewing them first, ahead of market rate developments.
 - Create a staff position that is an expert in affordable housing, or at least a special contact/coordinator, that helps affordable developers get through the process
 - Advertise all the ways they help affordable developers, online, but also reach out to the affordable housing community. It is a small-world and easy to get in contact.
 - Post a “bill of promises” online. This is what we will do, this is what we won’t do
 - Waive applications fees, impact fees, and public improvements (such as building streets, parks, open space dedications etc.) They believed that affordable housing was a public good and tacking on other public goods made it very difficult.
 - Affordable developers also felt that streamlining the process would help them get to a cheaper end product.

5. Other Incentives

- A. AD: Centennial is considering development incentives in exchange for income restricted housing, what would you need from the city to entice you to include affordable units in your next development?
- Affordable developers:
 - Did not find density bonuses would be very helpful
 - Tax abatements was a very big incentive. Not only does it help build the initial building, but also saves money in the long-term, which they use to both buy more land to build affordable housing on and to maintain their properties. All buildings need maintenance, which is paid for by tenant rents. With a tax abatement, they are able to save



considerable funds that allow them to keep the property in good condition over long period of time, without tenants suffering. Additionally, it is very difficult to raise rents on low-income tenants. Even a \$20 raise in rents can be very difficult for their tenants to manage.

- Application and impact fee waivers would be very helpful
 - Any stream of money that the City can create to help subsidize these projects is immensely helpful. A little money can be leveraged into a lot of good.
 - Showing the affordable development community that the City Manager, Planning Director, and Council is on board goes a long way to affordable housing developers looking seriously at developing in an area.
 - Market Rate Developers
 - Density bonuses would be very helpful, along with any funding assistance.
- B. AD: How much does the cost of land factor into your developments? Would zero or low-cost land deeded from the city move affordable developments along?
- Affordable Developers:
 - Land is a major cost, especially in a competitive housing market like Denver. Everyone is competing for the same piece of land and affordable developers have a hard time competing. Helping a developer get into a piece of land is very helpful. It can take 18 months to get a project funded, and they have to show CHFA that they already have a land agreement.
 - Buying low-cost land from a city, or even buying it at market prices but having time to get their funding together, is very helpful.
 - Leasing land from the city is also helpful. Leasing land does not generally work for market rate developers, but it works well for affordable developments.
 - Looking at land owned by RTD is a good place to start. Often they find that RTD and the cities have trouble getting on the same page, but with a little work, housing can be beneficial to both parties. More housing means more people are in the area, which makes the station safer.
 - Any land that the city already owns should be looked at. Are their parcels that are underutilized?
 - Also suggest allowing more flexible zoning on and around schools, churches, etc.



- C. AD: Do fee waivers make a large enough impact to affect your pro forma? Do you have a general estimate of the amount of waiver needed to incentivize affordable housing development?
- Affordable developers:
 - Yes, absolutely. Any little bit helps, but fees can often be 3-5% of the cost of the development. Water taps in particular are very expensive, but so are public improvements. Even application fees can help a lot.
 - Market rate:
 - Yes, absolutely. Same as above.
- D. AD: What is the biggest barrier to adapting commercial buildings to residential?
- All Developers: Structurally, it is very challenging. Often the whole building needs to be adjusted. Ceiling heights are different, residential needs a lot more water/wastewater, insulation, etc. It rarely makes sense financially. Often better to just tear down the commercial building and start over.
- E. MR: Have you teamed with affordable housing developers in the past? If yes, how did those projects go?
- Not many Market Rate developers had partnered with an affordable developer. Those who had said it was a pleasant experience.
- F. AD: Have you worked in other communities that had programs or incentives that you found particularly helpful?
- No one is doing it perfect. Westminster, Lakewood, Denver, Aurora all are doing rather well.
- G. AD: Have you worked in a community that had an inclusionary zoning program and what was your experience?
- Many affordable developers are currently working in Denver and figuring out the new inclusionary zoning program. Denver requires that 10% of the development be affordable, and that the housing is built on site, with no cash-in-lieu option. This means that market rate developers are reaching out to Affordable Developers, partnering to get their 10% affordable built. However, it is really difficult because LIHTC funds cannot be used without at least 50-60 units (not clear if it is required, or a cost thing), which would require a 600 unit development. Most projects are 200 units or less (20 or less affordable units). Without LIHTC funds, it is very difficult to build affordable housing.
 - None of the market rate developers had worked with inclusionary zoning.
- H. AD: What else should we know or be thinking about?



- All of the affordable developers we spoke to would love to work with city, and just having the city as a partner goes a long way. Helping them figure out how to get the development done as a partner, instead of in opposition, goes a really long way.



**Memorandum of Agreement for an
Affordable Rental Housing Program at _____**

This Memorandum of Agreement (this “MOA”) is between the County of Arapahoe, a Colorado municipal corporation and _____ (the “Developer”).

RECITALS.

- 1.1. The purpose of this MOU is to define the requirements and procedures for an Affordable Rental Housing Program for _____, located at _____ in Arapahoe County, Colorado (the “Property”).
- 1.2. The Board of County Commissioners for the County of Arapahoe approved an Administrative Site Plan and Improvement Agreement for the Property on _____, 20____. Such approval by the County is in reliance on the Developer’s commitment to participate in the Affordable Rental Housing Program set forth herein.

Developer Obligations

- 1.3. Covenant. The Developer will record a covenant on the Property to ensure a portion of the Property is preserved for affordable rental housing. The covenant shall be for a minimum term of ~~XX~~ years from the date of issuance of the first certificate of occupancy for the Property and will provide for rent and income qualifications for no fewer than __ affordable multi-family units. The County, on behalf of the Developer as the owner of the property, shall cause the covenant and this MOU to be recorded simultaneously with the other project related documents approved by Board of County Commissioners.
- 1.4. Affordable Units. The Developer commits to provide __% of the Project’s multi-family units (or ___ of the ___ units) for inclusion in the County’s Affordable Housing Program. The affordable units are representative of the final project mix of unit by size, estimated to be studio units one-bedroom units, and two-bedroom units. To the maximum extent possible, the rental units shall be dispersed equally across the Property’s (#) residential buildings. All the units shall be of like quality and have equal access to any on-site amenities.

- 1.5. Rental Rates. The maximum rental price for the affordable units will vary based on the number of bedrooms in the affordable unit. Maximum rents shall be the rates in effect at the time which are affordable to a tenant household earning 60% of Area Median Income (“AMI”) as established by the Colorado Housing and Finance Authority (“CHFA”) Colorado Income Limits and Maximum Rents for Developments with Housing Tax Credits and CHFA Multifamily Loans for the Arapahoe County area for the applicable number of bedrooms in the unit (the “CHFA Maximum Rental Rate”). Rental rates may not be adjusted above the CHFA Maximum Rental Rates for the affordable units during the term of this MOU.

- 1.6. Reporting. The Developer and/or its leasing agent will provide the County with written certification on or before December 31st of each year that:
 - 1.6.1. Identifies the building location and size of the designated affordable units.
 - 1.6.2. Verifies the income eligibility of the tenants in each affordable unit; and
 - 1.6.3. Lists the rental rate for each of the affordable units that is below the CHFA Maximum Rental Rates for that calendar year.

- 1.7. Records. The Developer agrees to maintain records for the individual income eligibility review and certification and will allow access to the County for a review of these records, upon demand, to ensure proper consideration and methodology for the income certification. The Developer, or its successor or their designee agent, will seek clarification from the County for questions related to the income certification process or methodology.

- 1.8. Marketing. The Developer shall coordinate with the County, or its designee, on an affirmative marketing plan for the Property to market the Property to individuals and families that live or work in the County.

- 1.9. Fee Waivers. In exchange for the commitments from the Developer described herein, the County agrees to waive the following fees and taxes for the _____ affordable units only:
 - 1.9.1. ____% of the planning and engineering fees.
 - 1.9.2. ____% of the Plan review fees.
 - 1.9.3. ____ Include any other reduced fees

2. Failure to Comply. Failure to comply with this Memorandum of Agreement shall constitute a violation of the Administrative Site Plan.

The parties hereto have duly executed this Memorandum of Agreement as of _____, 20_____.

(DEVELOPER - ALL CAPS)
a _____ corporation

By: _____
Name:
Title:

STATE OF COLORADO)
) ss.
COUNTY OF)

The foregoing instrument as acknowledged before me this _____ day of _____ 20__, by __[insert name of person signing]_____ as [insert title of person signing] of _____[insert name of company].

WITNESS my hand and official seal.

(SEAL)

Notary Public

THE COUNTY OF ARAPAHOE

a Colorado county

Mayor

ATTEST:

County Clerk (SEAL)

APPROVED AS TO FORM:

County & County Attorney

If by CMO:

THE COUNTY ARAPAHOE

a Colorado county

County and County Manager

APPROVED AS TO FORM:

County and County Attorney's Office

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, County of Broomfield, a Colorado municipal corporation and county.

WITNESS my hand and official seal.

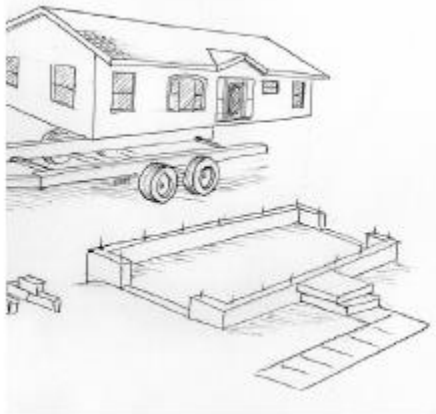
Notary Public

My commission expires: _____

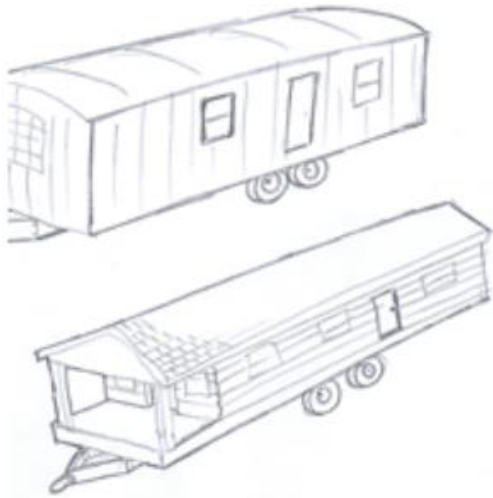
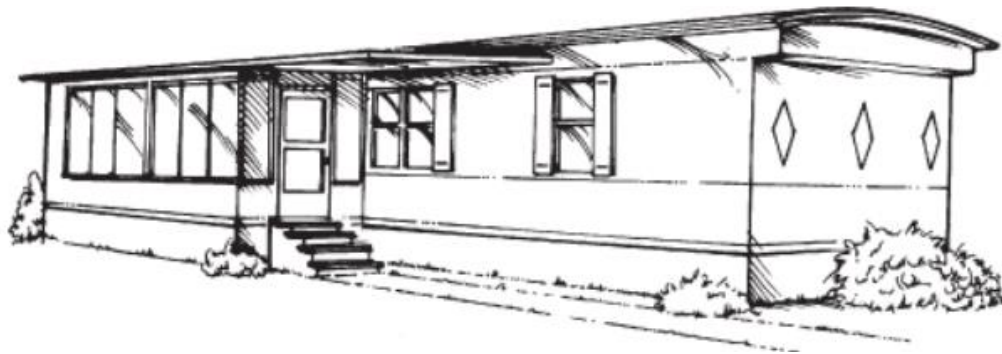
	Current Definitions	Revised Definitions
Manufactured Home	<p>A. When used in Section 4-3, Floodplain Management, means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For purposes of Section 4-3, Floodplain Management, the term “manufactured home” includes “recreational vehicles”, such as park trailers, travel trailers, and other similar vehicles, placed on a site for greater than 180 consecutive days.</p> <p>B. For all other purposes, a single-family dwelling which is partially or entirely manufactured in a factory; is not less 24 feet in width and 36 feet in length, is installed on an engineered foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq., as amended. The term "manufactured home" does not include a "recreational vehicle.”</p>	<ol style="list-style-type: none"> 1. A mobile home, as defined in this section. 2. A modular home, as defined in this section. 3. A tiny home, as defined in this section. 4. A preconstructed <u>building dwelling</u> unit or combination of preconstructed <u>building dwelling</u> units that is constructed in compliance with the federal manufactured home construction safety standard, as defined in section 24-32-3302(13), C.R.S., as amended, <u>or in compliance with Part 33, Title 24 Article 32, C.R.S., as amended.</u> 5. <u>The term "manufactured home" does not include a "recreational vehicle."</u>
Mobile Home:	<p>Any structure transportable on its own wheels, on flatbed or other trailers, or on detachable wheels, (excluding recreational vehicles, camping trailers, pickup bed campers, motorhomes, and vehicles licensed for on road use) which is designed and generally and commonly used for occupancy by persons for residential purposes in either temporary or permanent locations.</p>	<p>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, <u>as defined in section 38-12-201.5(5)(a), C.R.S., as amended. A double wide mobile home is considered a modular.</u></p>

Modular Home		A dwelling unit that is <u>factory-factory-built in sections and later assembled at the point of installation</u> . 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.
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, <u>as defined in section 24-32-3301, C.R.S., as amended</u> .

Manufactured Home:



Mobile Home:



Double Wide



Modular Home:



Tiny Home:

