

RESOLUTION NO. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, Section 29-20-101, *et seq.*, Colorado Revised Statutes (C.R.S.), and Sections 30-28-113, -116 and -133, C.R.S., provide broad land use authority within the unincorporated territory of Arapahoe County to the Board of County Commissioners (the Board) and further provide that the Board has the power to adopt and amend the zoning regulations and subdivision regulations after notice to and recommendation from the Planning Commission, all as set forth in such statutes; and

WHEREAS, the Board has adopted the Arapahoe County Land Development Code, which establishes the zoning and subdivision regulations for unincorporated Arapahoe County, and from time to time the Board considers proposed amendments to the Land Development Code and such zoning and subdivision regulations, all in accordance with such statutory authority; and

WHEREAS, the Department of Public Works and Development, Planning Division staff, has made recommendations for certain amendments to the Arapahoe County Land Development Code, Case No. LDC22-003, concerning affordable housing, and forwarded such proposed amendments to the Arapahoe Planning Commission for review and recommendation; and

WHEREAS, on October 18, 2022, the Planning Commission held a duly noticed public hearing, heard such public comment as was presented, and reviewed and considered the Planning Division staff's proposed recommended amendments to the Land Development, and following such public hearing, a majority of the Planning Commission voted to recommend approval of the proposed amendments to Land Development Code; and

WHEREAS, Notice of a Public Hearing to be held before the Board, on November 22, 2022, on the proposed amendments to the Land Development Code was published on October 20, 2022 in the Centennial Citizen, the Englewood Herald, and the Littleton Independent, newspapers of general circulation in the County, and was also published on October 18, 2022 in the I-70 Scout, a newspaper with circulation in the eastern part of Arapahoe County; and

WHEREAS, on November 22, 2022, in accordance with the published notice, the Board held a Public Hearing on the proposed amendments to the Land Development Code; and

WHEREAS, evidence was presented to establish that all notice and other procedural requirements required by law for amending the Land Development Code were followed, and to establish the Board's jurisdiction to hear and decide on the proposed amendments; and

WHEREAS, Planning Division and Legal staff presented and explained the proposed amendments, and responded to Board questions and comments concerning the proposed amendment; and

WHEREAS, following the presentation by County staff, the Chair opened the Hearing for public comment and the Board heard and considered such public comment as was presented on the proposed amendment; and

WHEREAS, the Board hereby makes the following findings:

A. The Board finds and determines:

1. That the statutory jurisdictional requirements have been met.

2. That the Public Hearing was opened and that the public had opportunity for public input and comment on the proposed amendments.
 3. That the Board has jurisdiction to hear, consider and act upon the proposed amendments to the Land Development Code.
 4. That the proposed amendments to the Land Development Code are consistent with the Arapahoe County Comprehensive Plan.
- B. The Board further finds and concludes that the proposed amendments to the Land Development Code are appropriate and lawful land use regulations for the unincorporated territory of Arapahoe County, that the proposed amendments will promote the community's interest in reasonable stability in zoning and subdivision regulations, and that the proposed amendments are in the public interest and for the public good.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado to adopt the following amendments to the Land Development Code:

1-3 GENERAL PURPOSE

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

- A. Implementing the Comprehensive Plan and adopted Sub-Area Plans;
- B. Lessening of congestion on the streets and roads by implementing the County's Transportation Plan;
- C. Providing adequate light, air, parks and other spaces for public use;
- D. Classifying land uses and the distribution of land development and utilization;
- E. Protecting the tax base;
- F. Securing economy in governmental expenditures;
- G. Fostering the State's agricultural and other industries;
- H. Promoting planned and orderly development within the County;
- I. Promoting conservation of important natural and man-made resources, such as streams, wetlands and archaeological sites, and minimizing damage due to development;
- J. Preserving the character of established residential areas and residential neighborhoods;
- K. Establishing adequate and accurate records of land subdivision;
- L. Providing for the harmonious development of land in the existing community and facilitating the future development of appropriate adjoining tracts;
- M. Providing for adequate, safe, and efficient public utilities and improvements; and to providing for other general community facilities and public places;
- N. Providing for protection from fire, flood, and other dangers; and providing for proper design of storm water drainage facilities and streets; and
- O. Providing that the cost of improvements that primarily benefit the tract of land being developed be borne by the owners/developers of the tract, and the costs of improvements that primarily benefit the whole community be borne by the whole community.
- P. Promote sustainable, stable, safe and attractive new neighborhoods that contain a mix of land uses and diversified housing options, including housing that is affordable and attainable.

- Q. Ensuring a Diversity of Affordable Housing Types to Accommodate All Age Groups, Incomes, Family Sizes and Residents with Special Needs.

2-3 AGRICULTURAL AND RESIDENTIAL DISTRICTS

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

A range of housing options including but not limited to manufactured, modular, prefabricated, and traditional construction are permitted unless otherwise stated. There is no minimum size requirement for a dwelling unit except that all dwelling units must comply with applicable codes and regulations.

2-6 PUD, PLANNED UNIT DEVELOPMENT

2-6.1. General Purposes

- A. This district replaces those districts designated as R-PSF (Residential PUD-Single Family), R-PM (Residential PUD – Moderate Density), R-PH (Residential PUD – High Density), SH (Senior Housing), MU (Mixed Use), C (Cultural) prior to April 1, 2017. In each case, land included in these previous zone districts is subject to an approved development plan, and all lands will remain subject to the provisions of the adopted development plan for the property until they are amended. Amendments to approved development plans in each of the six previous zone districts will be processed pursuant to Section 5-2.3.
- B. In addition, this district is intended to accommodate future development that cannot be accommodated in any LDC zone district or combination of zone districts and in which any flexibility granted to allow innovative development patterns beyond that permitted by this LDC is accompanied by additional amenities or design quality beyond that required for similar types of development, land use, or buildings under, Chapter 4: Development Guidelines and Standards.
- C. There is no minimum size requirement for a dwelling unit except that all dwelling units must comply with codes and regulations.

3-3 USE-SPECIFIC STANDARDS

3-3.1 Agricultural Uses (*no changes propose to this section*)

3-3.2 Residential Uses

- A. Group Homes (*no changes propose to this section*)
- B. Mixes of Uses and Dwelling Unit Types (*no changes propose to this section*)
- C. Manufactured/Mobile Home Parks or Subdivisions
 - 1. Manufactured/mobile home parks or subdivisions shall abut or have access to streets and highways no less than 60 feet wide.
 - 2. The manufactured home, or mobile home, park or subdivision shall be so arranged that all residences have direct access to an interior roadway.
 - 3. Approved landscaping shall not interfere with the transporting of a mobile home unit.

4. 10 foot setbacks shall be provided along the front, side and rear perimeter of the park to be used for no other purpose than landscaping, and shall be so designated on the Preliminary Development Plan.
5. In each manufactured/mobile home park there shall be provided the following areas:
 - a. Adequate laundry facilities for residents.
 - b. A recreation area for the residents.
6. Garbage and trash containers, rodent and insect control features, and water and sewer provisions must meet with the approval of the Arapahoe County Board of Health and/or the State Health Department.

4-2 GENERAL DEVELOPMENT DESIGN PRINCIPLES

4-2.1. Development Design Standards and Guidelines Established

4-2.2. Development Design Guidelines

- A. Non-Residential (*no changes proposed to this section*)
- B. Mixed Uses (*no changes proposed to this section*)
- C. Residential
 1. Cohesive, Well-Planned Development
 - a. Documentation

These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code. Adherence to these guidelines should be demonstrated and documented.
 - b. Diversity and Changing Needs

Arapahoe County promotes diverse types of housing, lot sizes and densities that are appropriate to meet the changing needs of the citizens of the County and assure options for residents of all income levels, including affordable and attainable housing. The County's goal is to promote different sizes of lots as well as single/multi-family housing, and manufactured housing in Growth Areas.

5-3 ZONING PROCEDURES

5-3.3. Planned Unit Development

- A. Purpose (*no changes proposed to this section*)
- B. Applicability (*no changes proposed to this section*)
- C. Land Use and Development Standards (*no changes proposed to this section*)
- D. General Procedures (*no changes proposed to this section*)
- E. Specific Procedures (*no changes proposed to this section*)
- 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
 - f. The proposed plan meets the applicable standards of this LDC, unless varied by the PUD.
 - 2. **Approval Criteria for General Development Plan (GDP)**
In addition to meeting the criteria in Section 5-3.3.F.1 above, a GDP must also meet the following criteria:
 - a. The proposed land uses, development densities/intensities, and building heights will not create significant adverse impacts on surrounding properties; and
 - b. It demonstrates an efficient use of land that facilitates a more economic arrangement of buildings, vehicular and pedestrian circulation systems and utilities; and
 - c. It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan; and
 - d. It provides or expands access to existing open space, and preserves and protects natural features; and
 - e. It includes efficient general layouts for major water, sewer, and storm drainage areas.
 - 3. **Approval Criteria for Specific Development Plan (SDP)**
In addition to meeting the approval criteria in Section 5-3.3.F.1 above, an SDP submitted under the Three-Step review process must also comply with the development standards and requirements of the approved GDP for the site.
 - 4. **Approval Criteria for Administrative Site Plan (ASP)**
An ASP must comply with the development standards and requirements of the approved SDP for the site and applicable standards of this LDC.
- G. *Appeals (no changes proposed to this section)*

7-2: Definitions *(Add the following definitions)*

Affordable Housing

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

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.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that the provisions of the Land Development Code amended by this Resolution are hereby repealed.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that Planning Division staff with the approval of the County Attorney is hereby authorized to correct typographical errors and make such text revisions to this Code amendment as are reasonably necessary to incorporate the approved amendment into the Land Development Code for publication.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that the amendments to the Land Development Code approved by this Resolution shall be effective upon approval by Board of County Commissioners at the November 22, 2022 public hearing, adopted herewith and shall be included in the next printing of the Land Development Code.

The vote was:

Commissioner Baker, ____; Commissioner Holen, ____; Commissioner Jackson, ____; Commissioner Sharpe, ____; Commissioner Warren-Gully ____.

The Chair declared the motion carried and so ordered.