Land Development Code
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<td>20392</td>
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<td>20551</td>
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<td>40936</td>
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<td>50375</td>
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<td>W05-002</td>
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<td>50625</td>
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<td>UBSR/Major Electric, Natural Gas, Petroleum</td>
<td>60172</td>
<td>02/14/2006</td>
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<td>1041 Permits and Areas of State Interest</td>
<td>60788</td>
<td>12/12/2006</td>
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<td>W06-005</td>
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<td>1-4200 Fence Class</td>
<td>90602</td>
<td>07/21/2009</td>
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<td>W10-001</td>
<td>LDC Rewrite, Phase 1: Reformatted and Renumbered existing LDC into Chapters, Sections, and Subsections; Chapters 1, 2, 4, 5, &amp; 11 – NEW &amp; Revised; added six new definitions – agricultural animal, commercial feed lot, landing strip for private aircraft, ranch hand/agricultural worker housing, solid waste disposal site and facility, temporary concrete and/or batching plant, Effective June 30, 2010</td>
<td>100322</td>
<td>04/20/2010</td>
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<tr>
<td>W10-012</td>
<td>Explosive Metal Working are being moved from Section 1-1504 Special Exception Uses in the existing LDC to Section 12-1500 of the revised LDC. The regulations pertaining to Bed and Breakfast accommodations are being moved from Section 1-1504.1 and Section 1604.1 in the existing LDC to Section 12-1600 of the revised LDC. The intent and the administration of these activities are unchanged. This is a relocation and a reformattting of these regulations so they may better fit into the revised LDC text</td>
<td>100569</td>
<td>07/06/2010</td>
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<td>W10-013</td>
<td>The regulations pertaining to Amateur Motorsports Facilities will be moved from Section 1-1500, Agricultural Estate Zone District, Sub-Section 1-1505 Use by Special Review in the existing LDC to Chapter 12, Section 1700 of the revised LDC. The intent and the administration of these activities are unchanged. This is a re-location and a re-formatting of these regulations so they may better fit into the revised LDC text.</td>
<td>100628</td>
<td>07/27/2010</td>
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<tr>
<td>W10-003</td>
<td>Adding “Adult” to Day Care Center and Day Care Home. Adding Pet Daycare and Indoor Recreation as allowed use in Industrial Zones. Add Electronic Message Board/Center as allowed with stipulations (currently prohibited). Add definition and illustration of “Fence Height” Change retaining wall note to match Building Code (IBC/IRC). Add definition of “Slaughterhouse”. Add requirements for storage container/PODS under Temporary Structures. Update definition for “Transmission Lines”. Add Electronic Message Board/Center as allowed with stipulations. Provide for “Special Exception Use” approval instead of a variance for additional height of CMRS facility in section.</td>
<td>100780</td>
<td>09/21/2010</td>
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<tr>
<td>W10-014</td>
<td>Amendments to Chapters/Sections 1-505; 2-603, 604; 9-400; new Section 12-2000; 19-200 to update floodplain regulations to meet FEMA/NFIP and State requirements prior to December 17, 2010, which is the effective date of federal and State regulations.</td>
<td>100940</td>
<td>11/17/2010</td>
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<tr>
<td>W10-004</td>
<td>LDC Rewrite, Phase 2: Chapter 19 Definitions – Additions and amendments: Accessory Dwelling Unit (ADU), Building Line-Rear, Building Line-Side, Auto Detailing, Car Wash, Catering Services, Cemetery, Check Cashing Facility, Convenience Store, Crematorium, Commercial Office, Drive-In, Financial Establishment, Grocery Store, Live-Work Unit, Major Vehicle Repair, Mausoleum, Minor Vehicle Repair, Night Club, Effective 01/31/2011.</td>
<td>101001</td>
<td>12/07/2010</td>
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<tr>
<td>W10-010</td>
<td>LDC Rewrite and Related Rezoning, Phase 2: Chapter 3 Obsolete Zones – remove B-2 Neighborhood Business from Obsolete Zones and Rezone parcels from B-2 to B-3 at approx. 3310 S Knox Ct, 3340 S Knox Ct, 3350 S Knox Ct and 3331 S Federal Blvd and Rezone parcel from B-2 PUD to R-1 at owners’ request, effective/amend zoning map 01/31/2011.</td>
<td>100996</td>
<td>12/07/2010</td>
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<tr>
<td>W10-011</td>
<td>LDC Rewrite, Phase 2: Chapter 13, Section 110 ASP/MDP and Section 400 ASP – Revise 3-stage ASP within context of MDP to single-stage process; revise and re-title SDP process for administrative site plan approval for conventional and non-PUD zones to ASP, effective 01/31/2011.</td>
<td>100999</td>
<td>12/07/2010</td>
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<td>W10-016</td>
<td>LDC Rewrite, Phase 2: Chapter 13, Section 100 PUD – Correct inconsistency between the PUD requirements for open space in residential zone districts and the open space requirements listed in specific zone districts within Chapter 6 Residential Zone Districts, effective 01/31/2011</td>
<td>100998</td>
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<td>110257</td>
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<td>W10-017</td>
<td>LDC Rewrite, Phase 2.5: Chapter 12, Section 1100, new Commercial Mobile Radio Service (CMRS) Facilities – Wireless Regulations replaced previous 12-1100, effective 09/30/2011</td>
<td>110586</td>
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<td>W10-036</td>
<td>LDC Rewrite, Phase 2.5: Relocate Definitions from Chapter 10 Overlay Districts to Chapter 19 Definitions and add, remove or modify definitions in Chapter 19, effective 09/30/2011</td>
<td>110612</td>
<td>08/16/2011</td>
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<td>W11-001</td>
<td>LDC Rewrite, Phase 2.5: Various sections – Clarification of Pets and Agricultural Animals; Changes to Daycare Fencing to Eliminate Conflicts with State Regulations; Addition of a New Section 12-2100 Pertaining to Trash Containers and Dumpsters/Roll-Offs, effective 09/30/2011</td>
<td>110611</td>
<td>08/16/2011</td>
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<td>W10-018</td>
<td>LDC Rewrite, Phase 2.5: Add new Planned Sign Program option to 12-300 Sign Code, effective 09/30/2011</td>
<td>110652</td>
<td>08/30/2011</td>
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<td>W10-006</td>
<td>LDC Rewrite, Phase 2.5: Chapter 7 – Commercial Zone Districts – updated land uses in table format, incorporated development/design standards, restored and amended B-5 zone from Obsolete (Thoroughfare Business) to updated B-5 Regional Commercial District.</td>
<td>110671</td>
<td>08/23/2011</td>
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<tr>
<td>W10-007</td>
<td>LDC Rewrite, Phase 2.5: Chapter 8 – Industrial Zone Districts, updated land uses in table format, incorporated development/design standards</td>
<td>110672</td>
<td>09/13/2011</td>
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<td>W12-002</td>
<td>Addition of Community Gardens to Chapter 12-2200</td>
<td>120313</td>
<td>04/17/12</td>
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<td>W12-003</td>
<td>Addition of Farmers’ Markets to Chapter 12-2300</td>
<td>120314</td>
<td>04/17/12</td>
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<td>W12-005</td>
<td>Sign Code 12-300 Amend political signage and include criteria for banners and feather signs</td>
<td>120865</td>
<td>12/18/2012</td>
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<td>W12-001</td>
<td>Rural Engineering Standards, Chapters 1, 4, 12, 14, 19 and Rural Site Development Standards and Guidelines</td>
<td>120587</td>
<td>08/17/2012</td>
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<td>W12-006</td>
<td>GESC 12-200 for consistency and to avoid duplication with GESC Manual</td>
<td>120643</td>
<td>09/25/2012</td>
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<td>W12-007</td>
<td>Home Occupation 12-400, Child Care Regulations 12-403, 12-404, 12-405 to delete references to ACG Human Services and to correct name of Colorado Dept of Human Services</td>
<td>120645</td>
<td>09/25/2012</td>
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<tr>
<td>W13-001</td>
<td>12-1900 Oil and Gas Facilities – added an Administrative Oil and Gas Use by Special Review (AOGUSR) process to 12-1900 to be used in conjunction with a Memorandum of Understanding between the County and Oil and Gas Industry Providers.</td>
<td>130310</td>
<td>04/2/2013</td>
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<td>W13-002</td>
<td>Definitions Chapter 19 Update Definition of Rodeo</td>
<td>130285</td>
<td>04/22/2013</td>
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<td>W13-003</td>
<td>Delete 12-106 Floodplain regulations as a correction – replaced by 12-2000 Nov 30 2010, but omitted from resolution.</td>
<td>130561</td>
<td>08/27/2013</td>
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<td>W13-004</td>
<td>Revised per CWCB (State) example Colorado Floodplain Damage Prevention Ordinance, September 6, 2011 which includes revisions for the 2011 revised rules: Addition, Area</td>
<td>130801</td>
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<td>W14-003</td>
<td>12-600 Temporary Uses – amend and expand provisions</td>
<td>150311</td>
<td>04/21/2015</td>
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<td>W14-002</td>
<td>12-1800 – amend Medical Marijuana Land Uses to Marijuana Land Uses and changes to definitions and provisions</td>
<td>150618</td>
<td>11/10/2015</td>
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<td>W15-004</td>
<td>12-2500 Add Septage and Sewage Land Application Regulations</td>
<td>160350</td>
<td>5/24/2016</td>
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<td>W16-001</td>
<td>12-1900 Amend Oil and Gas Facilities to Energy Facilities and add small solar facility provisions</td>
<td>160663</td>
<td>11/15/2016</td>
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<td>W15-003</td>
<td>Table 4-3B. Allowed Uses in Agricultural Zone Districts and Table 5-2B. Allowed Uses in Rural Residential Zone Districts to amend Seasonal Farming or Ranching Events to Farming or Ranching Events. Chapter 19 Definitions to amend Rodeo.</td>
<td>160670</td>
<td>11/22/2016</td>
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<tr>
<td>W15-002</td>
<td>Clean-up and Minor Revisions to 12-500 clarify Temporary Construction Yards; 12-600 editorial correction; 12-1200 references to ADA spaces, compact spaces, parking stall sizes, added assisted living, and changed restaurant parking requirements; 12-1300 allow Planning Manager to waive line of sight illumination requirements in some cases; 12-400 clarified use of drainage easements/detention ponds as landscaped area; 12-1900 require sign posting for Energy Facilities; Chapter 13 clarify calendar vs. business days, change all references to “Chair” remove references to compact parking, replace “handicapped” with “accessible”,</td>
<td>170036</td>
<td>01/03/2017</td>
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</table>
### Case # | Description | Resolution | Hearing Date
--- | --- | --- | ---
W16-002 | Amend Chapter 13 Zoning Procedures to include a new PUD process to replace 13-100 Planned Unit Development (PUD) and to update related references in Section 13-400 (Administrative Site Plan), Section 13-500 (Administrative Amendment), and 13-600 (Technical Amendment) | 160702 | 12-06-2016
W17-001 | Amend effective date of Floodplain Regulations, FIS and FIRM to 02-17-2017 in 1-505A. and 12-2005.02 | 170175 | 02-14-2017
LDC18-001 | Amend effective date of Floodplain Regulations, FIS and FIRM to 04-18-2018 in 1-505A. and 12-2005.02 | 180240 | 04-18-2018
LDC18-002 | Amend sign regulations section 12-300 to remove content-based language | 180439 | 06-19-2018
W17-003 | Amend Subdivision Exemption Regulations (14-900) and Agricultural zone district setbacks for properties with approved Subdivision Exemptions (4-300) | 180498 | 07-31-2018
LDC18-003 | Amend effective date of Floodplain Regulations, FIS and FIRM to 09-28-2018 in 1-505A. and 12-2005.02 | 180550 | 09-04-2018 (effective 09-28-18)
LDC19-001 | Amend A-E lot width from 1,320’ to 600’ | 190233 | 04-02-2019
LDC19-005 | Establish Bee-Keeping Regulations in residential zone districts | 190234 | 04-02-2019 (effective 4-30-2019)
LDC19-006 | Establish Chicken-Keeping Regulations in residential zone districts | 190235 | 04-02-2019 (effective 4-30-2019)

### Acknowledgements – October 2016 – Revised Land Development Code

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- Nancy Jackson
- Nancy Sharpe

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- Paul Rosenberg
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- Rick Sall
- Richard Rader
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- Molly Orkild-Larson, Senior Planner
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- Sue Liu, Engineer
- Spencer Smith, Engineer
- Sarah White, Engineer

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- Alan Snyder Community Compliance Officer
- Russell Johnson, Weed Control Specialist
- Michelle Lantz, Community Compliance Officer
## Acknowledgements – June 30, 2010 – Adoption of Land Development Code

<table>
<thead>
<tr>
<th>Board of County Commissioners</th>
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<tr>
<td>Susan Beckman, Chair</td>
<td>Brett Larson, Chair</td>
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<tr>
<td>Kathryn L. Schroeder, Esq.,</td>
<td>Jan Yeckes, Planning</td>
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<td>Ron Hovland, Current</td>
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<td>Tom McNish, Esq., Assistant</td>
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<td>County Attorney</td>
<td>Sherman Feher,</td>
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<td>Carol Kuhn, Senior</td>
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<td>Sandi Bowen, Duty</td>
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<td>Jennifer Newton,</td>
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<td>Chuck V. Haskins, Engineering</td>
<td>Tammy King, Zoning</td>
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<td>Services Division Manager</td>
<td>Administrator</td>
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<tr>
<td>Stacey Thompson, Engineer II</td>
<td>Mary Zaitz, Zoning</td>
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<td>Sue Liu, Engineer III</td>
<td>Inspector</td>
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<td>Scott Wiggs, Engineer III</td>
<td>Russell Johnson,</td>
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<td>Irene Valenzuela, Engineer</td>
<td>Weed Control</td>
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<td>III</td>
<td>Specialist</td>
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<td>Alan Snyder, Zoning</td>
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<th>Mapping Section</th>
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<tr>
<td>Bruce A. Leigh, PLS, Mapping</td>
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<tr>
<td>Manager</td>
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<td>Debbie Vaughn, GIS/DBS Group</td>
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<td>Lead</td>
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Chapter 1: General Provisions

ARAPAHOE COUNTY LAND DEVELOPMENT CODE

CHAPTER 1: GENERAL PROVISIONS

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CHAPTER 1: GENERAL PROVISIONS

SECTION 1-100 TITLE

1-101 This Code, as amended from time to time, shall be known as "The Arapahoe County Land Development Code." For the purpose of brevity, it shall hereinafter be referred to as “these Regulations” or “this Code.”

1-102 The Land Development Code includes and incorporates the Arapahoe County Zoning and Subdivision Regulations duly adopted by the Arapahoe County Board of County Commissioners.

SECTION 1-200 AUTHORITY
This Code is adopted pursuant to the powers and authority conferred by the laws of the State of Colorado, including, but not limited to, the following sections of the Colorado Revised Statutes (C.R.S.): Article 28 of Title 30 (County Planning, Zoning, Subdivision); Article 65.1 of Title 24 (Areas of State Interest); Article 67 of Title 24 (Planned Unit Development); Article 20 of Title 29 (Local Government Land Use Control Enabling Act and Development Impact Fees); Article 1, Part 8 of Title 29 (Administration of Land Development Charges); Applicable provisions of Article 11 of Title 30 (County Powers and Functions); Article 68 of Title 24 (Vested Rights); and all other powers authorized by the Constitution of the State of Colorado, state statutes, or by common law including those for the regulation of land uses, land use planning and development, subdivision, environmental protection, police powers, and the power to abate nuisances.

SECTION 1-300 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:

1-301 Implementing the Comprehensive Plan and adopted Sub-Area Plans;

1-302 Lessening of congestion on the streets and roads by implementing the County’s Transportation Plan;

1-303 Providing adequate light, air, parks and other spaces for public use;

1-304 Classifying land uses and the distribution of land development and utilization;

1-305 Protecting the tax base;

1-306 Securing economy in governmental expenditures;

1-307 Fostering the State’s agricultural and other industries;

1-308 Promoting planned and orderly development within the County;
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1-309 Promoting conservation of important natural and man-made resources, such as streams, wetlands and archaeological sites, and minimizing damage due to development;

1-310 Preserving the character of established residential areas and residential neighborhoods;

1-311 Establishing adequate and accurate records of land subdivision;

1-312 Providing for the harmonious development of land in the existing community and facilitating the future development of appropriate adjoining tracts;

1-313 Providing for adequate, safe, and efficient public utilities and improvements; and to providing for other general community facilities and public places;

1-314 Providing for protection from fire, flood, and other dangers; and providing for proper design of storm water drainage facilities and streets; and

1-315 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.

SECTION 1-400 APPLICABILITY AND JURISDICTION

This Land Development Code shall apply to the development and use of all land, buildings, and structures throughout the unincorporated areas of Arapahoe County, including development on parcels of land 35 acres and greater in size. To the extent allowed by law, the provisions of this Code are applicable not only to private persons, agencies, corporations, and organizations, but also to all public agencies and organizations including all lands, buildings, facilities, or uses owned or operated by Arapahoe County.

SECTION 1-500 RELATIONSHIP TO ZONING MAP AND OTHER CODES, ORDINANCES, AND REGULATIONS

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

1-501 Current Zone Districts
The unincorporated area of Arapahoe County is hereby divided into the following zoning districts: A-E, A-1, A-2, B-1, B-3, B-4, B-5, C, F, I-1, I-2, MU, O, R-A, R-E, R-1, R-PH, R-M, R-PM, R-PSF, SH

Except for the A-E, A-1, A-2 and F Zoning Districts, any other District listed in this paragraph may have a P.U.D. designation associated with it. If such is the case, the land shall be developed according to the provisions of the approved P.U.D. Plan(s).

1-502 Obsolete Zone Districts
As of January 1, 1987 and due to Zoning Regulations effective on that date, the following zoning districts were designated to be obsolete:

R-3S, R-5, R-2, R-P, R-3, R-4

Any of these districts may have a P.U.D. designation associated with it. If such is the case, the land shall be developed according to the provisions of the approved P.U.D. Plan(s).

Applications for rezoning to one of these obsolete districts shall not be submitted. However, lands which are presently located within an obsolete zoning district shall be permitted to be developed in accordance with the regulations of that zoning district. Such regulations are found in the section, “OBSOLETE ZONING DISTRICTS” of these Regulations, or in accordance with an approved P.U.D. Plan.

1-503 Arapahoe County Zoning Map
The location and boundaries of the zoning and overlay districts hereby established are shown on the Arapahoe County Zoning Map. The official zoning map is incorporated herein by reference and referred to as the “zoning map” in this Code. The zoning map shall be kept on file in the office of the Department of Public Works and Development and is available for public inspection during normal business hours. The map shall be the final authority as to the current zoning status of lands, water areas, buildings, and other structures in the jurisdiction as provided in Section 1-105.08.

1-504 Arapahoe County Comprehensive Plan
The currently adopted Arapahoe County Comprehensive Plan, as amended, including without limitation, the Future Land Use Map and Sub-Area Plans and Maps and other plans and documents adopted by reference.

1-505 Natural Hazards and Features Maps
A. The Arapahoe County, Colorado, and Incorporated Areas Flood Insurance Study and Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency with an effective date of September 28, 2018;
B. U.S.G.S. maps;
C. U.S. Army Corps of Engineers Wetlands Delineation Manual;
D. Sand, Gravel and Aggregate Map;
E. Lignite Coal Deposit Map.

1-506 Other Plans, Manuals, Standards, Reports and Maps (most recently adopted version)
A. Arapahoe County Stormwater Manual;
B. Arapahoe County Grading, Erosion and Sediment Control Manual;
C. Arapahoe County Infrastructure Design and Construction Standards;
D. Arapahoe County Transportation Plan and Technical Report;
E. Arapahoe County Guidelines for Traffic Impact Studies;
F. Arapahoe County Street Naming Policy;
G. Arapahoe County Streetscape Guidelines;
H. Urban Drainage and Flood Control District Urban Storm Drainage Criteria Manual (Vol. I, II, & III);
I. Arapahoe County Administrative Manual;
J. Federal Highway Administration Manual on Uniform Traffic Control Devices;
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K. Rural Engineering Standards.

1-507 Outside Agency Review
- Arapahoe County Engineering Services Division
- Fire Districts
- Water and Sanitation Districts
- Metropolitan Districts
- Special Districts
- Recreation Districts
- Home Owners Associations
- Urban Drainage and Flood Control District
- Southeast Metro Stormwater Authority
- Architectural Review Committees
- FEMA
- US Army Corps of Engineers
- The State Engineer’s Office
- USGS
- CDOT
- School Districts
- Any other agency or group that may be impacted by the Development or deemed necessary by PWD.

1-508 Interpretation of Zone District Boundaries
In the case of any dispute regarding the zoning classification of property subject to this Code, the official zoning map contained in the Department of Public Works and Development shall control. Where uncertainty exists with respect to the boundaries of the zoning districts shown on the official zoning map, the Planning Division Manager shall use the rules set forth below to interpret the map.

1-508.01 Where the zoning map shows a zoning district boundary line located within or following a street or alley right-of-way, railroad or utility line right-of-way, easement, or waterway, the district boundary shall be considered to be in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement, or waterway, as indicated in a recorded legal description of such, varies slightly from the location shown on the zoning map, then the actual location shall control.

1-508.02 Where the zoning map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.

1-508.03 Where the zoning map shows a district boundary to coincide with a property line or municipal border, the legal property line or municipal border shall be considered to be the district boundary, unless otherwise indicated on the map.

1-508.04. Where the zoning map shows a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the original, final, approved plans.

1-508.05. Where the zoning map shows a district boundary dividing a lot, each part of the lot shall be used in conformity with the standards established by this Code for the zoning district in which that part is located.

1-508.06. Where the case record conflicts with the zoning map, the case record shall control.
SECTION 1-600  OVERLAPPING REGULATIONS AND CONFLICTING PROVISIONS

1-601 Conflict with County or State Regulations
To the extent there is a conflict between this Code or any other law, ordinance, resolution, rule or regulation of any kind, or with any term or condition of an approved development plan, the more restrictive requirements shall apply to such application, except to the extent limited by vested property rights then in effect.

1-602 Conflict with Private Agreements
It is not the intent of this Code to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Code impose a greater restriction than imposed by a private agreement, the provisions of this Code will control. If the provisions of a private agreement impose a greater restriction than this Code, the County shall not be responsible for monitoring or enforcing private agreements.

SECTION 1-700  TRANSITIONAL PROVISIONS
This section addresses the application of this Land Development Code on its effective date to development and land uses with valid and outstanding permits or approvals granted under the prior land development code, to development land uses with pending applications for County approval, to existing nonconformities, and to properties subject to enforcement action under the prior code.

1-701 Applicability to Projects with Final Approval
Except to the extent stated in this Code or any amendment hereto, this Code is not intended to prevail over any previous approval issued prior to the effective date of this Code. Any building, structure or development for which a permit was issued prior to the effective date of this Land Development Code may, at the applicant’s option, be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure or development does not fully comply with the provisions of this Land Development Code.

1-701.01 Time Limit for Completion of a Previously Approved Project
If construction is not commenced or completed according to the applicable permit terms, the Planning Division Manager may, for good cause shown, grant an extension of up to one year for such construction under the terms of the previous Land Development Code. The Board of County Commissioners may, for good cause shown, grant an additional extension for such construction. If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure or development may be constructed, completed or occupied only in compliance with this Land Development Code.

1-701.02 Health or Safety Protections Exempted
In cases where generally applicable standards necessary for the immediate preservation of the public health or safety have been added to this Code, no project shall be allowed to proceed under the prior approval in order to specifically avoid such protections, except where application would create a conflict with an existing vested right as identified in C.R.S. § 24-68-104.
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1-701.03 Required Compliance with Generally Applicable Building Codes
All projects must comply with all regulations and codes that are general in nature and are applicable to all property subject to the jurisdiction of Arapahoe County, including the International Building Code, as adopted and amended by Arapahoe County; regulations, standards, and specifications adopted by the County to govern wastewater disposal, road and bridge construction; and each applicable fire, plumbing, electrical, and mechanical code, in effect on the date a permit is applied for pursuant to each of those codes.

1-702 Applicability to Pending Applications
An application certified as complete and submitted for a preliminary subdivision plat, site plan, special exception, use by special exception, building permit, or any other type of land use or development approval prior to the effective date of this Code, but where the County has not taken final action on such application within twelve months following the effective date of this Land Development Code, shall be subject to compliance with the standards and procedures of this Land Development Code.

1-703 Nonconformities
Any legal nonconformity under the previous Arapahoe County Land Development Code will also be a legal nonconformity under this Code, so long as the situation that resulted in the legal nonconforming status under the previous land development code continues to exist. If a legal nonconformity under the previous land development code becomes conforming because of the adoption of this Land Development Code, then the situation will no longer be considered nonconforming. Nonconformities will generally be permitted to continue under the provisions of this Code.

1-704 Outstanding Violations
The adoption of this Code shall not affect or prevent the prosecution or punishment of any person for the violation of any prior version of this Code, or for any offense committed prior to adoption of this Code, unless the use, development, construction, or other activity complies with the provisions of this Code.

SECTION 1-800 INTERPRETATION OF THIS CODE

1-801 Rules of Construction and Word Usage

1-801.01 Meanings and Intent
All provisions, terms, phrases and expressions contained in this Land Development Code shall be construed according to the general purposes set out in Section 1-103.

1-801.02 Minimum Requirements
The requirements of this Land Development Code shall be regarded as the minimum requirements necessary for the protection of the public health, safety, and general welfare, and for the protection of the natural environment.

1-801.03 Headings, Graphics and Text
In case of any difference of meaning or implication between the text of this Land Development Code and any heading, drawing, table, figure or graphic, the text shall control. Graphics may include photographs or drawings and are intended to be illustrative of the text, indicating suggested design solutions that would be appropriate or inappropriate, and are not regulatory.
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1-801.04 Lists and Examples
Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

1-801.05 Computation of Time
The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County. References to days are calendar days unless otherwise stated.

1-801.06 References to Other Regulations, Publications and Documents
Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recently adopted edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

1-801.07 Delegation of Authority
Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.

1-801.08 Technical and Nontechnical Terms
Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

1-801.09 Public Officials and Agencies
All public officials, bodies, and agencies to which references are made are those of Arapahoe County, unless otherwise indicated.

1-801.10 Mandatory and Discretionary Terms – Standards and Guidelines

1-801.10.01 Standards
Standards mandate the specific course of planning and design action that the applicant must incorporate in its project application. Compliance with standards is mandatory. Statements of standards are indicated by use of the words “shall,” “will,” and/or “must” in the rule or directive. A failure to meet a mandatory standard may be used as a basis for the County’s denial of a project application.

1-801.10.02 Guidelines
Guidelines may follow the standards and are indicated by the works “may” or “should.” Guidelines provide additional direction as to appropriate or inappropriate means to comply with the standards. Guidelines are voluntary and not mandatory; however, compliance is strongly encouraged to fulfill the intent of the section. A failure to meet a guideline cannot be used by the County as a basis for denial of a project application.

1-801.11 Conjunctions
Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1-801.11.01 "And" indicates that all connected items, conditions, provisions or events apply; and
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1-801.11.02 "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

1-801.12 Tenses and Plurals
Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

1-801.13 Gender
A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

1-801.14 Code Interpretations and Determination of Unlisted Uses

1-801.14.01 Exclusion of Uses: Uses not specifically listed or reasonably similar to those uses listed in any particular zone district shall be deemed excluded from the particular zone district. Uses listed in a particular zone district shall be deemed to be excluded from any other zone district, unless such use is specifically listed in the other zone district.

1-801.14.02 Inclusion of a Use Not Listed: Uses not listed may be interpreted for inclusion in a specific zone district by the Zoning Administrator pursuant to Chapter 2 when such use is reasonably similar to those uses listed and is not contrary to the intent of the particular zone district.

1-801.15 Trash, Junk, and Inoperable Vehicles
No land shall be used as an outdoor storage area for the purpose of collecting, dismantling, storing, or selling of junk, trash, rubbish, refuse of any kind, remnants of wood, metal, or plastic, discarded materials, inoperative vehicles or dismantled machinery, whether or not the same could be put to any reasonable use, unless allowed in the underlying zone district or approved in a PUD which specifically authorizes such use.

1-801.16 Building Permit Required
It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or structure, including surface and subsurface structures, or to move a structure from one property to another within the unincorporated area of Arapahoe County without first obtaining a building permit from Arapahoe County. The plans submitted with the building permit application for the proposed erection, construction, reconstruction, alteration, or use shall conform to all applicable provisions of these Regulations and shall be constructed in accordance with the Arapahoe County Building Code as adopted.

Section 1-802 Correction of Obvious Errors
Nothing in this Code shall be construed as a limitation upon the power of the Director of Public Works to correct obvious typographical or compositional errors, provided:

1-802.01 Such corrections shall not change the legal effect of this Code or any part thereof.

1-802.02 Such corrections will be reported to the Planning Commission and the Board of County Commissioners.

1-802.03 An Erratum supplement shall be attached to all copies of this Code distributed subsequent to the making of such corrections.
SECTION 1-900 EFFECTIVE DATE

Provisions of the Land Development Code heretofore adopted by the Arapahoe County Board of County Commissioners are hereby rescinded and superseded by this Code as most recently amended.

SECTION 1-1000 SEVERABILITY

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

ARAPAHOE COUNTY LAND DEVELOPMENT CODE

CHAPTER 2: REVIEW AND DECISION-MAKING BODIES

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CHAPTER 2: REVIEW AND DECISION-MAKING BODIES

This chapter describes the review and decision-making bodies responsible for administering and enforcing this Land Development Code. The roles and functions of these bodies are described in the following sections of this Chapter and Table 2-1, below.

SECTION 2-100 REVIEW AND DECISION-MAKING AUTHORITY

2-101 Table of Review and Decision-Making Authority

Table 2-1 below states the respective roles and responsibilities of the Board of County Commissioners ("BOCC"), Planning Commission ("PC"), Board of Adjustment ("BOA"), and Public Works & Development (PWD) Department ("Staff") in reviewing and acting upon zoning and land development applications made according to this Land Development Code.

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>PWD STAFF</th>
<th>PC</th>
<th>BOCC</th>
<th>BOA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1041 Permit</td>
<td>R</td>
<td>R*</td>
<td>D*</td>
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</tr>
<tr>
<td>Administrative Amendment</td>
<td>D</td>
<td></td>
<td>A</td>
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<tr>
<td>Administrative Site Plan</td>
<td>D</td>
<td></td>
<td>A</td>
<td></td>
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<tr>
<td>Certificate of Designation</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Comprehensive Plan Adoption or Amendment</td>
<td>R</td>
<td>D*</td>
<td></td>
<td></td>
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<tr>
<td>Development Agreement/Vested Rights</td>
<td>R</td>
<td></td>
<td>D*</td>
<td></td>
</tr>
<tr>
<td>Engineering Related Easement and ROW Dedication</td>
<td>R</td>
<td>D</td>
<td></td>
<td></td>
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<tr>
<td>Engineering Waiver</td>
<td>D</td>
<td></td>
<td>A</td>
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</tr>
<tr>
<td>Floodplain Development Permit</td>
<td>D</td>
<td></td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Location and Extent</td>
<td>R</td>
<td>D*</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Metro District- Title 32</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Planned Sign Program</td>
<td>R</td>
<td>R*</td>
<td></td>
<td>D+</td>
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<tr>
<td>Planned Unit Developments (PUD):</td>
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<tr>
<td>Final Development Plan (FDP)</td>
<td>R</td>
<td>R*</td>
<td>D/D*</td>
<td></td>
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<tr>
<td>Master Development Plan (MDP)</td>
<td>R</td>
<td>R</td>
<td>D*</td>
<td></td>
</tr>
<tr>
<td>Preliminary Development Plan (PDP)</td>
<td>R</td>
<td>R*</td>
<td>D*</td>
<td></td>
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<tr>
<td>Rezoning (Zoning Map Amendments)</td>
<td>R</td>
<td>R*</td>
<td>D*</td>
<td></td>
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<tr>
<td>Special District- Title 30</td>
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<tr>
<td>Special Exception Use</td>
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<tr>
<td>Street Name Change</td>
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<td>D*</td>
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<td>Subdivision:</td>
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<tr>
<td>Affidavit of Correction</td>
<td>D</td>
<td></td>
<td>A</td>
<td></td>
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<tr>
<td>Final Plat (FP)</td>
<td>R</td>
<td></td>
<td>D*</td>
<td></td>
</tr>
<tr>
<td>Minor Subdivision Plat</td>
<td>R</td>
<td>R</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Plat Correction</td>
<td>R</td>
<td></td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td>R</td>
<td>R*</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Replat/Administrative</td>
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<td>D</td>
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<tr>
<td>Replat/Full</td>
<td>R</td>
<td></td>
<td>D*</td>
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<tr>
<td>Rural Cluster Subdivision</td>
<td>R</td>
<td>R*</td>
<td>D*</td>
<td></td>
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</tbody>
</table>

Chapter 2: Review and Decision-Making Bodies
Page 2 of 8
June 30, 2010, Rev 11-30-10 Floodplain; Rev Sept 30, 2011
TABLE 2-1: SUMMARY OF REVIEW AND DECISION-MAKING AUTHORITY

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>PWD STAFF</th>
<th>PC</th>
<th>BOCC</th>
<th>BOA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision Exemption</td>
<td>R</td>
<td></td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Vacation of Public Roadway, Easement, or Plat</td>
<td>R</td>
<td></td>
<td>D/D*</td>
<td></td>
</tr>
<tr>
<td>Subdivision Development Plan (SDP)</td>
<td>D</td>
<td></td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Technical Amendment</td>
<td>R/D</td>
<td></td>
<td>A</td>
<td></td>
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<tr>
<td>Temporary Use Permit</td>
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<td>Text Amendment to LDC</td>
<td>R</td>
<td>R*</td>
<td>D*</td>
<td></td>
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<tr>
<td>Use by Special Review</td>
<td>R</td>
<td></td>
<td>D*</td>
<td></td>
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<tr>
<td>Use by Special Review Private Utility</td>
<td>R</td>
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<td>D*</td>
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<td>Vested Rights</td>
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<td>A**</td>
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<td>Zoning Administration Interpretation</td>
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<tr>
<td>Zoning Variance</td>
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<td>D*</td>
<td></td>
</tr>
<tr>
<td>Zoning Variance (Airport Influence Area Regulations only)</td>
<td>R</td>
<td>R*</td>
<td>D*</td>
<td></td>
</tr>
</tbody>
</table>

* = Public Hearing Required           + = Consent Agenda

Table provided for quick reference. Refer to the applicable section of the Land Development Code.

SECTION 2-200 BOARD OF COUNTY COMMISSIONERS

This Section describes the roles and responsibilities of the Arapahoe County Board of County Commissioners (“BOCC” or “Board”) in the administration and enforcement of this Land Development Code.

2-201 BOCC Final Decision-Making Authority
The BOCC shall have the authority to make final decisions on the zoning and land development actions submitted according to this Code and shown in Table 2-1 above.

2-202 BOCC – Appeal Authority
The BOCC shall have the authority to hear and decide appeals from final decisions taken on the zoning and land development actions submitted according to this Code and shown in Table 2-1 above, and also on the actions listed below:

2-202.01 Administrative decisions to reject the submittal of an application that is the same as or substantially similar to an application previously denied by the County.

2-202.02 Administrative decisions to deny the extension of an approval period applicable to a finally approved plan or plat.

2-202.03 Other administrative decisions or actions as specifically identified in this Land Development Code.
SECTION 2-300 ARAPAHOE COUNTY PLANNING COMMISSION

This Section describes the operation, roles and responsibilities of the Arapahoe County Planning Commission in the administration and enforcement of this Land Development Code.

2-301 Planning Commission—Appointment and Composition

2-301.01 Appointment and Term
The Board of County Commissioners shall appoint a Planning Commission. The members of the Board shall be ex officio members of the Planning Commission. Each member shall be a resident within the unincorporated areas of the County. Planning Commission members shall serve overlapping terms of three (3) years.

The Planning Commission shall be comprised of seven (7) regular members, and if the Board elects, additional alternate members as authorized by C.R.S. 30-28-103(3) in the event that any regularly appointed member of the Planning Commission is unable to attend a scheduled or official meeting due to illness, absence from the County, conflict of interest in a matter before the Commission, or other reasonable cause.

2-301.02 Officers
The Planning Commission shall elect each year a Chairman and Chairman Pro Tem from among its regular members. The Planning Commission may create other officers, as it deems necessary.

The Board of County Commissioners may remove any member of the Planning Commission upon written notice. Vacancies shall be filled for the unexpired term in the same manner as in the case of the original appointments.

2-302 Planning Commission—Rules of Operation and Conduct

2-302.01 Rules and Procedures
The Planning Commission shall adopt by-laws which address rules and procedures as it deems necessary for the proper conduct of its business, provided such rules and regulations are consistent with the rules contained herein and the statutes of the State of Colorado. A matter is deemed submitted to the Planning Commission on the date of the first public meeting at which the item is listed as an item for consideration.

2-302.02 Meetings
The Planning Commission shall establish regular meeting times and places as is necessary to properly and expeditiously process land use applications and other business of the Commission.

2-302.03 Minutes
Minutes of Planning Commission meetings shall be kept and shall be a public record.

2-302.04 Quorum and Vote
2-302.04.01 Quorum A quorum shall consist of four (4) commissioners. In the event that one or more vacancies exist on the Planning Commission, a quorum shall consist of a simple majority of the filled seats.
2-302.04.02 Vote  The majority vote of the Planning Commission quorum shall be necessary to forward any land use recommendation to the Board of County Commissioners. A tie vote is cause for a recommendation for denial. In the case of a Location & Extent and Comprehensive Plans and Amendments, the majority vote of the Planning Commission quorum shall be necessary to approve or deny such application.

2-302.05 Planning Commission—Compensation
The Planning Commission shall receive compensation in an amount determined by the Board of County Commissioners.

2-303 Planning Commission – Decision Making Authority
The Planning Commission shall have the authority to make final decisions on the zoning and land development actions submitted according to this Code and shown in Table 2-1 above.

2-304 Planning Commission—Review and Recommending Authority
The Planning Commission shall have the authority to review and make recommendations to the BOCC or other decision-making body on the zoning and land development actions submitted according to this Code and shown in Table 2-1 above.

SECTION 2-400  ARAPAHOE COUNTY BOARD OF ADJUSTMENT

This Section describes the operation, roles and responsibilities of the Arapahoe County Board of Adjustment (“BOA”) in the administration and enforcement of this Land Development Code.

2-401 BOA—Membership and Operations

2-401.01 Appointment, Membership and Term

2-401.01.01 The Board of County Commissioners shall appoint a Board of Adjustment consisting of five (5) regular members.

2-401.01.02 Each of the five (5) members shall be a resident within the unincorporated areas of the County.

2-401.01.03 The Board of Adjustment members shall serve a term of five (5) years, with one member of the Board of Adjustment being appointed each year so that no more than one member of the Board of Adjustment shall be appointed in any given year except as provided for in this Section. The existing Board of Adjustment shall constitute the first Board, and the expiration of the terms of the individual members of the present Board shall be fixed by the Board of County Commissioners.

2-401.01.04 The Board of County Commissioners may remove any member of the Board of Adjustment upon written notice. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.
Chapter 2: Review and Decision-Making Bodies

2-401.02 Composition
The Board of County Commissioners may appoint a maximum of five (5) associate members of the Board of Adjustment for terms of office that shall correspond with the term of a regular member of the Board of Adjustment. In the event that any regular member is temporarily unable to act, the appointed associate member shall act in his/her place. An associate member, when acting as an alternate, shall be paid the same compensation as the regular member.

2-401.03 Officers
The Board of Adjustment shall elect a Chairman and Chairman Pro Tem from among its regular members. The Board of Adjustment may create other officers, as it deems necessary.

2-401.04 Meetings
Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such times as the Board deems necessary, in accordance with the rules of procedure. All meetings of the Board of Adjustment shall be open to the public.

2-401.05 Quorum and Vote
The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any County official, or to decide in favor of an applicant.

2-401.06 Minutes
The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

2-401.07 Compensation
The Board of Adjustment shall receive compensation in an amount determined by the Board of County Commissioners.

2-402 BOA—Decision-Making Authority
The BOA shall have the authority to make final decisions on the zoning and land development actions submitted according to this Code and shown in Table 2-1 above.

2-403 BOA—Appeal to BOA of a Zoning Administrator Decision
The BOA shall have the authority to hear and decide appeals from the final decisions of the Zoning Administrator taken on the zoning and land development actions submitted according to this Code and shown in Table 2-1 above.

SECTION 2-500 ADVISORY REVIEW COMMITTEES
The Board of County Commissioners may also establish advisory committees to review development applications as needed.
SECTION 2-600 ARAPAHOE COUNTY STAFF

This Section describes the operation, roles and responsibilities of Arapahoe County staff in the administration and enforcement of this Land Development Code, including staff from the Public Works and Development Department (“PWD”) (e.g., Engineering Services and Planning Division Managers, Zoning Administrator, and Floodplain Administrator).

2-601 Planning Division Manager Roles and Responsibilities
The Manager of the Planning Division within the PWD Department (“Planning Division Manager”), including his or her designees, shall have the following powers and duties in the administration and enforcement of this Land Development Code.

2-601.01 Decision-Making Authority
The Planning Division Manager shall have the authority to make final decisions on zoning and land development actions as referenced in Table 2-1 above.

2-601.02 Review and Recommend Authority
The Planning Division Manager shall have the authority to review and make recommendations on the zoning and land development actions submitted according to the Code and shown in Table 2-1 above.

2-601.03 Other Roles and Responsibilities
Provide support for the Planning Commission, the BOA, and the BOCC on all planning, land use, subdivision, and zoning matters.

2-602 Engineering Services Division Manager Roles & Responsibilities
The Manager of the Engineering Services Division within the PWD Department (“Engineering Services Manager”), including his or her designees, shall have the following powers and duties in the administration and enforcement of this Land Development Code.

2-602.01 Decision-Making Authority
The Engineering Services Manager shall have the authority to make final decisions on zoning and land development actions as referenced in Table 2-1 above.

2-602.02 Review and Recommend Authority
The Engineering Services Manager shall have the authority to review and comment on all land development and construction applications referred to the Engineering Services Division under this Code, and to provide specific comments and recommendations regarding the application’s compliance with this Code and related county policies, regulations, and construction standards and specifications.

2-603 Zoning Administrator Roles & Responsibilities

2-603.01 Code Interpretations, Including Determinations of Unlisted Uses
The Zoning Administrator shall have decision-making authority on all requests for interpretations of this Land Development Code, including determinations of unlisted uses, except as noted in Section 9-400. Uses not listed may be interpreted for inclusion in a specific zone district by the Zoning Administrator pursuant to a determination that such use is reasonably similar to those uses listed and is not contrary to the intent of the particular zone district.
2-603.02 Building Permit Review for Code Compliance
The Zoning Administrator shall review all applications for building permits for compliance with the zoning, development, and design standards of this LDC. The Zoning Administrator shall coordinate all applications for building permits with the Floodplain Administrator to determine if the proposed development is located in an area of special flood hazard.

2-603.03 Floodplain Regulation Administration and Enforcement
The Zoning Administrator, including his or her designee, shall be responsible for implementing and enforcing applicable floodplain management regulations, and shall comply with all reasonable rules and policies of the Floodplain Administrator related to this duty.

2-603.04 Enforcement Authority
The Zoning Administrator, and his or her designee, in consultation with the Planning Division Manager and with the Director of the PWD Department, shall be responsible for the enforcement of this Code through the powers and procedures set forth in this Land Development Code.

2-604 Floodplain Administrator Roles & Responsibilities
Refer to Section 12-2006 of the Floodplain Management and Flood Damage Prevention Regulations.
CHAPTER 3 OBSOLETE ZONE DISTRICTS

SECTION 3-100 R-2 RESIDENTIAL

3-101 INTENT
THIS DISTRICT IS AN OBSOLETE ZONE DISTRICT. SEE SECTION 1-502 FOR EXPLANATION OF DEVELOPMENT RESTRICTIONS.

Only one principal use and/or structure is permitted per lot, unless approved by the Board of Adjustment as a Special Exception Use.

3-102 PRINCIPAL PERMITTED USE
A. Single-family dwelling unit.
B. Type A Group Home.

3-103 ACCESSORY USES
A. Building and use customarily appurtenant to the permitted use.
B. Home occupation.
D. There shall be a maximum combination of three (3) pets.

3-104 SPECIAL EXCEPTION USES
Small wind energy conversion system.

3-105 USE BY SPECIAL REVIEW
A. Type B Group home.
B. Quasi-public use (church, etc.).

3-106 MAXIMUM BUILDING HEIGHT
Not to exceed twenty-five Feet (25')

3-107 MINIMUM AREA, LOT WIDTH AND YARD REQUIREMENTS
A. Minimum lot width is 75'.
B. Front yard is 25' (principal structure); front building line (accessory structure).
C. Side yard is 15' (principal structure); 5' (accessory structure).
D. Rear yard is 25' (principal structure); 10' (accessory structure).
E. Minimum lot area is 20,000 square feet.

3-108 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

3-109 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.
Chapter 3: Obsolete Zone Districts

3-110 VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 3-200 R-3 RESIDENTIAL

3-201 INTENT
THIS DISTRICT IS AN OBSOLETE ZONE DISTRICT. SEE SECTION 1-502 FOR EXPLANATION OF DEVELOPMENT RESTRICTIONS.

Only one principal use and/or structure is permitted per lot, unless approved by the Board of Adjustment as a Special Exception Use.

3-202 PRINCIPAL PERMITTED USE
   A. Single-family dwelling unit.
   B. Type A Group Home.

3-203 ACCESSORY USES
   A. Building and use customarily appurtenant to the permitted use.
   B. Home occupation.
   D. There shall be a maximum combination of three (3) pets.

3-204 SPECIAL EXCEPTION USES
Small wind energy conversion system.

3-205 USE BY SPECIAL REVIEW
   A. Type B Group home.
   B. Quasi-public use (church, etc.).

3-206 MAXIMUM BUILDING HEIGHT
Not to exceed twenty-five Feet (25').

3-207 MINIMUM AREA, LOT WIDTH AND YARD REQUIREMENTS
   A. Minimum lot width is 75'.
   B. Front yard is 25' (principal structure); front building line (accessory structure).
   C. Side yard is 10' (principal structure); 5' (accessory structure).
   D. Rear yard is 25' (principal structure); 10' (accessory structure).
   E. Minimum lot area is 12,500 square feet.

3-208 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.
3-209 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

3-210 VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 3-300 R-3S RESIDENTIAL-SPECIAL

3-301 INTENT
THIS DISTRICT IS AN OBSOLETE ZONE DISTRICT. SEE SECTION 1-502 FOR EXPLANATION OF DEVELOPMENT RESTRICTIONS.

Only one principal use and/or structure is permitted per lot, unless approved by the Board of Adjustment as a Special Exception Use.

3-302 PERMITTED USE
A. Single-family dwelling unit.
B. Type A Group Home.

3-303 ACCESSORY USES
A. Building and use customarily appurtenant to the permitted use.
B. Home occupation.
D. There shall be a maximum combination of three (3) pets.

3-304 SPECIAL EXCEPTION USES
A. Barber shop.
B. Beauty shop.
C. Ceramics shop.
D. Small wind energy conversion system.

3-305 USE BY SPECIAL REVIEW
A. Type B Group home.
B. Quasi-public use (church, etc.).

3-306 MAXIMUM BUILDING HEIGHT
Not to exceed twenty-five feet (25').

3-307 MINIMUM AREA, LOT WIDTH AND YARD REQUIREMENTS
A. Minimum lot width is 50'.
B. Front yard is 25' (principal structure); front building line (accessory structure).
C. Side yard is 5' (principal structure); 5' (accessory structure).
D. Rear yard is 25' (principal structure); 5' (accessory structure).
E. Minimum lot area is 6,000 square feet.

3-308 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

3-309 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

3-310 VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 3-400 R-4 RESIDENTIAL

3-401 INTENT
THIS DISTRICT IS AN OBSOLETE ZONE DISTRICT. SEE SECTION 1-502 FOR EXPLANATION OF DEVELOPMENT RESTRICTIONS.

3-402 PRINCIPAL PERMITTED USES
A. Single-family dwelling unit.
B. Two-family dwelling unit.
C. Multi-family dwelling unit.
D. Type A Group Home.

3-403 ACCESSORY USES
A. Building and use customarily appurtenant to the permitted use.
B. Home occupation.
D. There shall be a maximum combination of three (3) pets.

3-404 USE BY SPECIAL REVIEW
A. Type B Group home.
B. Quasi-public use (church, etc.).

3-405 MAXIMUM BUILDING HEIGHT
Not to exceed thirty-five feet (35').

3-406 MINIMUM AREA, LOT WIDTH AND YARD REQUIREMENTS
A. Minimum lot width is 75'.
B. Front yard is 25' (principal structure); front building line (accessory structure).
C. Side yard is 10' (principal structure); 5' (accessory structure).
D. Rear yard is 25' (principal structure); 10' (accessory structure).
E. Minimum lot area is 9,000 square feet; provided, however, that there shall be at least 4,000 square feet of lot area for each dwelling unit.

3-407 MAXIMUM DENSITY
Not to exceed eleven (11.0) dwelling units per gross acre.

3-408 MINIMUM UNOBSTRUCTED OPEN SPACE
A. Twenty percent (20%) of the lot area for a one-story building, plus
B. Five percent (5%) additional for each additional story to three (3) stories.

3-409 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

3-410 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

SECTION 3-500 R-5 RESIDENTIAL

3-501 INTENT
THIS DISTRICT IS AN OBSOLETE ZONE DISTRICT. SEE SECTION 1-502 FOR EXPLANATION OF DEVELOPMENT RESTRICTIONS.

3-502 PRINCIPAL PERMITTED USES
A. Multi-family dwelling units.
B. Nursing home, hospital, or home for mentally retarded persons providing 1,000 feet of lot area for each bed.
C. Boarding and rooming houses.
D. Fraternity and sorority houses.
E. Type A Group Home.

3-503 ACCESSORY USES
A. Building and use customarily appurtenant to the permitted use.
B. Home occupation.
D. There shall be a maximum combination of three (3) pets.

3-504 USE BY SPECIAL REVIEW
A. Type B Group home.
B. Quasi-public use (church, etc.).

3-505 MAXIMUM BUILDING HEIGHT
Not to exceed fifty feet (50”).
Chapter 3: Obsolete Zone Districts

3-506 MINIMUM AREA, LOT WIDTH AND YARD REQUIREMENTS
   A. Minimum lot width is 75' at front building line.
   B. Front yard is 25' (principal structure); front building line (accessory structure).
   C. Side yard is 15' (principal structure); 5' (accessory structure).
   D. Rear yard is 25' (principal structure); 10' (accessory structure).
   E. Minimum lot area is 9,000 square feet; provided that there shall be at least 2,000 square feet of lot area for each dwelling unit.

3-507 MAXIMUM DENSITY
Not to exceed twenty-two (22.0) dwelling units per gross acre.

3-508 MINIMUM UNOBSSTRUCTED OPEN SPACE
   A. Twenty percent (20%) of the lot area for a one-story building, plus
two percent (2%) additional for each additional story to four (4) stories.

3-509 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

3-510 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

SECTION 3-600 R-P RESIDENTIAL – PLANNED UNIT DEVELOPMENT

3-601 INTENT
   THIS DISTRICT IS AN OBSOLETE ZONE DISTRICT. SEE SECTION 1-502 FOR EXPLANATION OF DEVELOPMENT RESTRICTIONS.

Only one principal use and/or structure is permitted per lot, unless approved by the Board of Adjustment as a Special Exception Use.

3-602 PRINCIPAL PERMITTED USES
   A. Single-family dwelling unit.
   B. Two-family dwelling unit.
   C. Multi-family dwelling unit.
   D. Any combination of the above.
   E. Type A Group Home.

3-603 ACCESSORY USES
   A. Building and use customarily appurtenant to the permitted use.
   B. Home occupation.
   D. There shall be a maximum combination of three (3) pets.
Chapter 3: Obsolete Zone Districts

3-604     USES WHICH MAY REQUIRE A P.U.D. AMENDMENT
A. Quasi-public use (church, etc.).
B. Small wind energy conversion system.
C. Type B Group home.
D. See 12-1100 - Commercial Mobile Radio Facilities.

3-605     MAXIMUM BUILDING HEIGHT
Not to exceed thirty-five feet (35').

3-606     MINIMUM AREA, LOT WIDTH AND YARD REQUIREMENTS
As set by an approved Preliminary Development Plan.

3-607     MAXIMUM DENSITY
Not to exceed 3.5 dwelling units per gross acre.

3-608     AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

3-609     SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

3-610     VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 3-700     B-2 NEIGHBORHOOD BUSINESS — B-2 IS NO LONGER AN OBSOLETE ZONE DISTRICT. ALL B-2 PROPERTIES WERE REZONED TO B-3 COMMUNITY BUSINESS OR R-1 RESIDENTIAL ON DECEMBER 7, 2010, PURSUANT TO RESOLUTION 100996 OF THE ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS.

SECTION 3-800     B-5 THOROUGHFARE BUSINESS
B-5 IS NO LONGER AN OBSOLETE ZONE DISTRICT; NOW A CURRENT ZONE DISTRICT PURSUANT TO RESOLUTION 110671 OF THE ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS – SEE CHAPTER 7, B-5 REGIONAL COMMERCIAL DISTRICT.
CHAPTER 4: AGRICULTURAL ZONE DISTRICTS – A-E & A-1

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4-100 General Provisions
   4-101: Agricultural Zone Districts Established
4-200 Agricultural Zone Districts & District-Specific Standards
   4-201: Agricultural Zone Districts
      4-201.01: General Purposes
      4-201.02: A-E Agricultural Estate District (35 Acre Minimum Lot Size)
      4-201.03: A-1 Agricultural-1 District (19 Acre Minimum Lot Size)
4-300 A-E and A-1 District Performance Standards and Allowed Uses
   4-301: Agricultural Zone Districts - Performance Standards
   4-302: Allowed Uses – A-E & A-1
CHAPTER 4: AGRICULTURAL ZONE DISTRICTS AND DISTRICT-SPECIFIC STANDARDS

This Chapter of the Land Development Code identifies and establishes the Agricultural Estate (A-E) and the Agricultural-1 (A-1) zone districts for the unincorporated portions of Arapahoe County, as well as the (1) purpose and (2) regulations specific to each of these districts. The regulations contained in this Chapter for A-E and A-1 are district-specific in that they apply on a district-wide basis and generally relate back to the stated purposes of the zone district. The standards and requirements provided in this Land Development Code also apply to development in each of these districts.

SECTION 4-100 GENERAL PROVISIONS

4-101 Agricultural Zone Districts Established

In order to carry out the purposes and intent of this Chapter of the Land Development Code, the following standard zone districts are established. They may be referred to throughout this Code by their name or district letter abbreviations.

<table>
<thead>
<tr>
<th>Table 4-1: Agricultural Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbreviation</td>
</tr>
<tr>
<td>A-E</td>
</tr>
<tr>
<td>A-1</td>
</tr>
</tbody>
</table>

SECTION 4-200 AGRICULTURAL ZONE DISTRICTS & DISTRICT-SPECIFIC STANDARDS

4-201 Agricultural Zone Districts

This section sets forth all agricultural zone districts applicable in unincorporated Arapahoe County, including for each: (1) the district’s specific intent and purpose; (2) the district’s role in implementing the Comprehensive Plan’s future land use policies; (3) location criteria that the County must consider in mapping such district to specific property; and (4) development and design standards specific to such district. Rural Engineering Standards as addressed within this Land Development Code may also apply.

4-201.01 General Purposes

Among the County’s primary land-use goals, as stated in the Comprehensive Plan, are goals to maintain its rural heritage and character, conserve natural areas and environmental quality, and ensure efficient and improved public services and facilities. The agricultural zone districts in this section are intended to implement these goals by promoting and preserving a rural, agricultural economic base and lifestyle in the eastern parts of unincorporated Arapahoe County. Residential uses are secondary in these districts, and are developed at very low densities or clustered to protect and conserve existing open and agricultural lands and to preserve a rural character. These zone districts are intended to apply only within the Rural Area as designated in the Comprehensive Plan, and are not appropriate for properties located in a Growth Area. The A-E and A-1 agricultural zone districts are encouraged in the Rural Area of unincorporated Arapahoe County.
4-201.02 A-E Agricultural Estate District (35 Acre Minimum Lot Size)

4-201.02.01 Specific Purpose
All development in the district must respect and respond to the district’s unique agricultural and rural character, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural environment and sensitive development areas, including impacts on the Rural Area’s important riparian corridors that perform important drainage, habitat, and recreational functions.

All development must have no detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

4-201.02.02 Relation to the Comprehensive Plan
The A-E Zone District is intended to correspond to and implement the “Rural Area Uses” and “Open Space” land use categories designated in the Land Use Plan element of the Comprehensive Plan.

4-201.02.03 Location and Other Rezoning Criteria
A. In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the A-E Zone District only if the proposed district complies with all of the following specific criteria:
   1. The proposed district is located in the Rural Area and outside of designated Planning Areas for the Eastern Communities as designated in the Comprehensive Plan;
   2. The district is proposed to accommodate and respect variations in the site’s topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site; and
   3. Any residential development proposed within the district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable “right to farm” provisions in state statutes.

4-201.02.04 District-Specific Standards
   A. Principal Use(s)/Structure(s) per Lot
      Only one principal structure is permitted per parcel, unless approved as a Special Exception Use (SEU) by the Board of Adjustment (BOA).

   B. Rural Cluster Option in the A-E Zone District
      A landowner in the A-E Zone District may be eligible for exceptions to the lot size, lot dimension, and use provisions stated in this chapter and this Land Development Code by choosing the Rural Cluster Option set forth in this Land Development Code.
4-201.03 A-1 Agricultural-1 District (19 Acre Minimum Lot Size)

4-201.03.01 Specific Purpose

A. The A-1 Zone District is intended to provide and preserve land for agricultural and rural economic uses in the Rural Area of unincorporated Arapahoe County as designated in the Comprehensive Plan. The primary uses allowed in this district are agricultural and open land uses, agriculture-dependent or agriculture-related uses, and other uses supportive of a rural, agriculture-based economy.

B. All development in the district must respect and respond to the district’s unique agricultural and rural character, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural environment and sensitive development areas, including impacts on the Rural Area’s important riparian corridors that perform important drainage, habitat, and recreational functions.

C. All development must have no detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

4-201.03.02 Relation to the Comprehensive Plan

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

4-201.03.03 Location Criteria and Other Rezoning Criteria

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

1. The proposed district is located in the Rural Area, and outside designated Growth Areas or planning areas for the Eastern Communities as designated in the Comprehensive Plan;

2. The district is proposed to accommodate and respect variations in the site’s topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site;

3. Any residential development proposed within the district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable “right to farm” provisions in state statutes.

4-201.03.04 District-Specific Standards

A. Principal Use(s)/Structure(s) per Lot

Only one principal structure is permitted per parcel, unless approved as a Special Exception Use (SEU) by the Board of Adjustment (BOA).

B. Rural Cluster Option in the A-1 Zone District

A landowner in the A-1 Zone District may be eligible for exceptions to the lot size, lot dimension, and use provisions stated in this chapter and this Land Development Code by choosing the Rural Cluster Option set forth in this Land Development Code.
## SECTION 4-300  A-E AND A-1 DISTRICT PERFORMANCE STANDARDS AND ALLOWED USES

### 4-301  Agricultural Zone District Performance Standards

<table>
<thead>
<tr>
<th>Table 4-3 A. Performance Standards A-E &amp; A-1</th>
<th>A-E</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>NP = Not Permitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>LOT SIZE (minimum)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35 acres(^{[1]})</td>
<td>19 acres(^{[1]})</td>
</tr>
<tr>
<td><strong>LOT WIDTH (minimum)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>600'(^{[2]})</td>
<td>330'</td>
</tr>
<tr>
<td><strong>ANIMALS (maximum per lot)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pets</td>
<td>no limit</td>
<td>4</td>
</tr>
<tr>
<td>Agricultural Animals per acre</td>
<td>no limit</td>
<td>no limit</td>
</tr>
<tr>
<td>Agricultural Animals, Small, Non-Commercial</td>
<td>no limit</td>
<td>no limit</td>
</tr>
<tr>
<td><strong>BUILDING HEIGHT (maximum)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (maximum)</td>
<td>50'</td>
<td>50'</td>
</tr>
<tr>
<td><strong>SETBACKS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>100'</td>
<td>100'</td>
</tr>
<tr>
<td>Side</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>Rear</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>Side Corner</td>
<td>100'</td>
<td>100'</td>
</tr>
<tr>
<td>Accessory Front</td>
<td>100'</td>
<td>Front Building Line of Principal Structure</td>
</tr>
<tr>
<td>Accessory Side</td>
<td>100'</td>
<td>25'</td>
</tr>
<tr>
<td>Accessory Rear</td>
<td>100'</td>
<td>25'</td>
</tr>
<tr>
<td>Commercial Feed Lots (from all property lines)</td>
<td>200'</td>
<td>NP</td>
</tr>
<tr>
<td>Stable (private) - located on the rear half of the lot, 25' from all property lines, 50' from any dwelling unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stable (commercial) - located on the rear half of the lot, 50 from all property lines, 100' from any dwelling unit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^{[1]}\)Smaller lot areas may be authorized through the Subdivision Exemption process (see Table 4-3 A.1 and Section 14-900)

\(^{[2]}\)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.
Table 4-3 A.1 Performance Standards for Undersized Parcels in A-E & A-1

These setbacks apply to legally created parcels which are smaller than the minimum required lot area in the A-E and A-1 zone districts. These parcels were either created prior to the adoption of the Arapahoe County subdivision regulations or may be created through a subdivision exemption (Section 14-900 of the Land Development Code).

<table>
<thead>
<tr>
<th>Parcel size (acres):</th>
<th>35+</th>
<th>19-34.9999</th>
<th>9-18.9999</th>
<th>2.41-8.9999</th>
<th>&lt;2.41</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>50’</td>
<td>50’</td>
<td>50’</td>
<td>25’</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>50’</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>50’</td>
<td>50’</td>
<td>25’</td>
<td>25’</td>
<td></td>
</tr>
<tr>
<td>Side Corner</td>
<td>100’</td>
<td>50’</td>
<td>50’</td>
<td>25’</td>
<td></td>
</tr>
<tr>
<td>Accessory Front</td>
<td>See table 4-3 A</td>
<td>Front building line of principal structure</td>
<td>Front building line of principal structure</td>
<td>Front building line of principal structure</td>
<td>Front building line of principal structure</td>
</tr>
<tr>
<td>Accessory Side</td>
<td>See table 4-3 A</td>
<td>25’</td>
<td>25’</td>
<td>15’</td>
<td>15’</td>
</tr>
<tr>
<td>Accessory Rear</td>
<td>See table 4-3 A</td>
<td>25’</td>
<td>25’</td>
<td>15’</td>
<td>15’</td>
</tr>
</tbody>
</table>

4-302 Allowed Uses – A-E & A-1

This section sets forth the uses anticipated in the Agricultural zone districts. Furthermore the table included below indicates which uses are allowed in the Agricultural zone districts as well as the extent to which they are allowed. Additional information is available for all anticipated uses allowed within the unincorporated areas of Arapahoe County in this Land Development Code.

Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts

<table>
<thead>
<tr>
<th>Accessory Structure</th>
<th>A-E</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Use</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Agricultural or Ranch Use</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Agri-tainment</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Amateur Motorsports Facility</td>
<td>USR</td>
<td>NP</td>
</tr>
<tr>
<td>Animal Assisted Therapy Activities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Broadcast Tower Facility</td>
<td>SEU</td>
<td>NP</td>
</tr>
<tr>
<td>Building and use customarily appurtenant to the permitted use</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>CMRS - See 12-1100 - Commercial Mobile Radio Facilities</td>
<td>SEU</td>
<td>NP</td>
</tr>
<tr>
<td>Commercial Feed Lot</td>
<td>SEU</td>
<td>NP</td>
</tr>
</tbody>
</table>
Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts

<table>
<thead>
<tr>
<th>Allowed Uses</th>
<th>A-E</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid Waste Disposal Site and Facility (subject to Certificate of Designation and applicable state requirements)</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Community Events and Conference Center</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Explosion welding, cladding, or metallurgical bonding of metal or other similar uses</td>
<td>SEU</td>
<td>NP</td>
</tr>
<tr>
<td>Farm and Gardening Classes</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farm Museum</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Farm or Ranch Animal Center</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farmer's Market (Year-Round)</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Farmer's Market (Seasonal)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farming or Ranching Events</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Flower Farms</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Greenhouse</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group Home - Type A</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group Home - Type B</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Guest Ranch</td>
<td>SEU</td>
<td>NP</td>
</tr>
<tr>
<td>Home occupation</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Hunting Club</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Kennel or Animal Hospital</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Landing Strip for Private Aircraft and/or aircraft-related recreational facilities</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Mining, Quarry and Earth Extraction</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Mother-in-law Apartment/Dwelling Unit</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Office incidental to the operations of the permitted use</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Processing, packaging, and selling of an agricultural commodity</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Quasi-public Use</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Ranch Hand/Agricultural Worker Housing (Residence for persons employed at the principal permitted use only)</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Resource Recovery Operation (subject to Certificate of Designation as well as all applicable State requirements)</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Roadside sales stand provided only products raised on the premises shall be sold in such stand and any such structure should comply with applicable building codes.</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Rodeo</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Shelter for agricultural implements and tools used to maintain premises</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Shooting Range (outdoor)</td>
<td>USR</td>
<td>NP</td>
</tr>
</tbody>
</table>
### Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts

<table>
<thead>
<tr>
<th>Allowed Uses</th>
<th>A-E</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling Unit</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Small Wind Energy Conversion System</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stable – Commercial Riding (see setback restrictions in setback table in this chapter)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stable – Private Riding (see setback restrictions in setback table in this chapter)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Storage and Sale of Firewood</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Temporary Concrete and or Batching Plant with materials stockpiling</td>
<td>SEU</td>
<td>SEU</td>
</tr>
</tbody>
</table>

**P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted**

**Revisions:** June 30, 2010, Rev Sept 30, 2011; Rural Engineering Standards 08/31/2012; Subdivision Exemptions setback table 07/31/2018; A-E lot width 04/02/2019
CHAPTER 5: RURAL RESIDENTIAL ZONE DISTRICTS—A-2, R-A & R-E

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5-200 Rural Residential Zone Districts & District-Specific Standards
   5-201: Rural Residential Zone Districts
      5-201.01: General Purposes
      5-201.02: A-2 Agricultural District (9 Acre Minimum Lot Size)
      5-201.03: R-A Residential Agricultural District (105,000 sf; 2.41 Acre Minimum Lot Size)
      5-201.04: R-E Residential Estate District (70,000 sf; 1.61 Acre Minimum Lot Size)
5-300 A-2, R-A, and R-E District Performance Standards and Allowed Uses
   5-301: Rural Residential Zone Districts - Performance Standards
   5-302: Allowed Uses – A-2, R-A, & R-E
Chapter 5: Rural Residential Zone Districts and District-Specific Standards

This chapter of the Land Development Code identifies and establishes the Agricultural-2 (A-2), Residential Agricultural (R-A), and Residential Estate (R-E) zone districts for the unincorporated portions of Arapahoe County, as well as the purpose and regulations specific to each of these zone districts. The regulations contained in this Chapter are district-specific in that they apply on a district-wide basis and generally relate back to the stated purposes of the zone district. The standards and requirements provided in this Land Development Code also apply to development in each of these zone districts.

SECTION 5-100 GENERAL PROVISIONS

5-101 Zone Districts Established

In order to carry out the purposes and intent of this Land Development Code, the following standard zone districts are established. They may be referred to throughout this Code by their name or district letter abbreviations.

<table>
<thead>
<tr>
<th>Table 5-1 – Rural Residential Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Abbreviation</strong></td>
</tr>
<tr>
<td>A-2</td>
</tr>
<tr>
<td>R-A</td>
</tr>
<tr>
<td>R-E</td>
</tr>
</tbody>
</table>

SECTION 5-200 RURAL RESIDENTIAL ZONE DISTRICTS & DISTRICT-SPECIFIC STANDARDS

5-201 Rural Residential Zone Districts

This section sets forth all Rural Residential zone districts applicable in unincorporated Arapahoe County, including for each: (1) the zone district’s specific intent and purpose; (2) the zone district’s role in implementing the Comprehensive Plan’s future land use policies; (3) location criteria that the County must consider in mapping such zone districts to specific property; and (4) development and design standards specific to such districts.

5-201.01 General Purposes

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

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

5-201.02 A-2 Agricultural District (9 Acre Minimum Lot Size)

5-201.02.01 Specific Purpose

A. The A-2 Zone District is intended to provide and preserve land for large-lot residential development and limited agricultural purposes in unincorporated Arapahoe County. The principal uses allowed in this district are residential large-lot development, open land uses, limited agricultural-related uses, and other uses supportive of a rural residential area. The intent is to provide very-low-density, single-family detached residential development with limited, small-scale agricultural uses.

B. All development in the district must respect and respond to the district’s unique large lot residential character and limited agricultural uses, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural environment and sensitive development areas, including impacts on the Rural Area’s important riparian corridors that perform important drainage, habitat, and recreational functions. All development must not have detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

5-201.02.02 Relation to the Comprehensive Plan

A. The A-2 Zone District is intended to correspond to the Rural Area designation in the Land Use Plan of the Comprehensive Plan. This district provides a transition between the Rural Town Centers as designated in the Comprehensive Plan and the agricultural areas in the rural portions of the County.

5-201.02.03 Location and Other Rezoning Criteria

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

1. The proposed district is located outside of the Rural Town Center and within the Planning Area for Eastern Communities as designated in the Comprehensive Plan;

2. The proposed district accommodates and respects variations in the site’s topography, such as rolling and hillside terrain, and preserves and protects sensitive development areas located on or adjacent to the site; and

3. Any residential development proposed within the zone district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable “right to farm” provisions in State statutes.

5-201.02.04 District-Specific Standards

A. Principal Use(s)/Structure(s) per Lot

Only one principal structure is permitted per lot, unless approved as a Special Exception Use (SEU) by the Board of Adjustment (BOA).
5-201.03 R-A Residential Agricultural District (105,000 sf / 2.41 Acre Minimum Lot Size)

5-201.03.01 Specific Purpose

A. The R-A Zone District is intended primarily to preserve existing low-density residential developments, at gross densities of at least one (1) dwelling unit per 2.41 acres, which existed under the R-A zoning prior to the effective date of this Land Development Code.

B. The R-A District is also intended to serve a limited need for new residential development of a more rural character, at an average gross density of no less than one (1) unit per 2.41 acres, providing a transition between the Rural Town Centers and the agricultural areas in the rural portions of the County. The principal uses allowed in this district are residential large-lot development, open land uses, limited agriculture-related uses, and other uses supportive of a rural residential area. The intent is to provide very low-density, single-family detached residential development with limited, small-scale agricultural uses.

C. Another appropriate location for such low-density development may be as a transition between higher-density, suburban residential projects and the Rural Area located outside the Urban Growth Boundary, approved by Denver Regional Council of Governments, particularly where community services and infrastructure are not yet available.

D. The principal use permitted within this district is a single-family detached residential dwelling, together with accessory uses and structures appropriate for such semi-rural densities, including the keeping of a limited number of animals and accessory buildings and private stables. Limited non-commercial agricultural uses (including the keeping of rabbits, chickens, geese, or other small agricultural animal or fowl for the private use of the residents only) are also allowed.

5-201.03.02 Relation to Comprehensive Plan

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

5-201.03.03 Location and Other Rezoning Criteria

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

1. The proposed district is located either:

   a. Inside the Planning Area boundaries designated on either the Byers Sub-Area Plan or the Strasburg Sub-Area Plan, or

   b. As a transition zone existing between existing agricultural uses and areas of low-density development existing immediately outside the edge of the Urban Growth Boundaries of Arapahoe County, as approved by the Denver Regional Council of Governments.
2. The proposed district accommodates and respects variations in the site’s topography, such as rolling and hillside terrain, and preserves and protects sensitive development areas located on or adjacent to the site;

3. Adequate public water and wastewater facilities (i.e., central or community water or sewer) are not available to serve the zone district at the time the need for such service is expected to occur.

5-201.04 R-E Residential Estate District (70,000 sf / 1.61 Acre Minimum Lot Size)

5-201.04.01 Specific Purpose

A. The R-E Zone District is intended primarily to preserve existing low-density residential developments, at gross densities of at least 1 dwelling unit per 1.61 acres, which existed under the R-E zoning prior to the effective date of this Land Development Code.

B. The R-E Zone District is also intended to serve a limited need for new residential development of a more rural/suburban character, at an average gross density of no less than one (1) unit per 1.61 acres, within the boundaries of the Eastern Communities’ designated Planning Areas, designated in the Comprehensive Plan.

C. The most appropriate location for such low-density development may be as a transition between Rural Town Centers and the Eastern Communities Planning Area.

D. Another appropriate location for such low-density development may be as a transition between higher-density, suburban residential projects and the Rural Area, designated in the Comprehensive Plan, located outside the Urban Growth Boundary of Arapahoe County, as approved by the Denver Regional Council of Governments, and particularly where central or community services and infrastructure are not yet available.

E. The principal use permitted within this district is single-family detached residential dwellings, together with accessory uses and structures appropriate for such semi-rural densities, including the keeping of a limited number of animals and accessory buildings.

5-201.04.02 Relation to Comprehensive Plan

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

5-201.04.03 Location and Other Rezoning Criteria

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

1. The proposed district is located either:
   a. Inside the Planning Area boundaries designated on either the Byers Sub-Area Plan or the Strasburg Sub-Area Plan, or
   b. As a transition zone existing between existing agricultural uses and areas of low-density development existing immediately outside the edge of the Urban
Chapter 5: Rural Residential Zone Districts A-2, R-A, and R-E

Growth Boundaries of Arapahoe County, as approved by the Denver Regional Council of Governments; and

2. The zone district is proposed to accommodate and respect variations in the site’s topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site; and

3. Adequate public water and wastewater facilities (i.e., central or community water or sewer) are available to serve the zone district at the time the need for such service is expected to occur.

SECTION 5-300 A-2, R-A, AND R-E DISTRICT
PERFORMANCE STANDARDS AND ALLOWED USES

Section 5-301 Rural Residential Zone District - Performance Standards

<table>
<thead>
<tr>
<th>Table 5-2 A. Rural Residential Performance Standards</th>
<th>NP = Not Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MINIMUM LOT SIZE</strong></td>
<td>A-2</td>
</tr>
<tr>
<td></td>
<td>9 Acres</td>
</tr>
<tr>
<td><strong>LOT WIDTH (minimum)</strong></td>
<td>A-2</td>
</tr>
<tr>
<td></td>
<td>165'</td>
</tr>
<tr>
<td><strong>ANIMALS (maximum per lot)</strong></td>
<td>A-2</td>
</tr>
<tr>
<td>Pets</td>
<td>4</td>
</tr>
<tr>
<td>Agricultural Animals per acre</td>
<td>no limit</td>
</tr>
<tr>
<td>Agricultural Animals, Small, Non-Commercial</td>
<td>no limit</td>
</tr>
<tr>
<td><strong>BUILDING HEIGHT</strong></td>
<td>A-2</td>
</tr>
<tr>
<td>Building Height (maximum)</td>
<td>35'</td>
</tr>
<tr>
<td><strong>SETBACKS</strong></td>
<td>A-2</td>
</tr>
<tr>
<td>Front</td>
<td>50'</td>
</tr>
<tr>
<td>Side</td>
<td>25'</td>
</tr>
<tr>
<td>Rear</td>
<td>50'</td>
</tr>
<tr>
<td>Side Corner</td>
<td>50'</td>
</tr>
<tr>
<td>Accessory Front</td>
<td>Front Building Line of Principal Structure</td>
</tr>
<tr>
<td>Accessory Side</td>
<td>25'</td>
</tr>
</tbody>
</table>

Chapter 5: Rural Residential Zone Districts A-2, R-A, and R-E
Page 6 of 9
Chapter 5: Rural Residential Zone Districts A-2, R-A, and R-E

Table 5-2 A. Rural Residential Performance Standards

<table>
<thead>
<tr>
<th>Standards</th>
<th>NP = Not Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Rear</td>
<td>25' 10' 10'</td>
</tr>
<tr>
<td>Commercial Feed Lots (from all property lines)</td>
<td>NP NP NP</td>
</tr>
<tr>
<td>Stable (private) - located on the rear half of the lot, 25' from all property lines, 50' from any dwelling unit (where permitted)</td>
<td></td>
</tr>
<tr>
<td>Stable (commercial) - located on the rear half of the lot, 50' from all property lines, 100' from any dwelling unit (where permitted)</td>
<td></td>
</tr>
</tbody>
</table>

5-302 Allowed Uses A-2, R-A, & R-E

This section sets forth the uses anticipated in the Rural Residential zone districts. Furthermore the table included below indicates which uses are allowed in the Rural Residential Zone Districts as well as the extent to which they are allowed. Additional information is available for all anticipated uses allowed within the unincorporated areas of Arapahoe County as set forth in this Land Development Code.

Table 5-2 B. Allowed Uses in the Arapahoe County Rural Residential Zone Districts

<table>
<thead>
<tr>
<th>P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-2</td>
</tr>
<tr>
<td>Agricultural or Ranch Use</td>
</tr>
<tr>
<td>Accessory Structure</td>
</tr>
<tr>
<td>Accessory Use</td>
</tr>
<tr>
<td>Agri-tainment</td>
</tr>
<tr>
<td>Amateur Motorsports Facility</td>
</tr>
<tr>
<td>Animal Assisted Therapy Activities</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
</tr>
<tr>
<td>Broadcast Tower Facility</td>
</tr>
<tr>
<td>Building and use customarily appurtenant to the permitted use</td>
</tr>
<tr>
<td>CMRS - See 12-1100 - Commercial Mobile Radio Facilities</td>
</tr>
<tr>
<td>CMRS - See 12-1100 - Commercial Mobile Radio Facilities</td>
</tr>
<tr>
<td>Commercial Feed Lot</td>
</tr>
<tr>
<td>Solid Waste Disposal Site and Facility (subject to Certificate of Designation and applicable state requirements)</td>
</tr>
<tr>
<td>Community Events and Conference Center</td>
</tr>
<tr>
<td>Explosion welding, cladding, or metallurgical bonding of metal or other similar uses</td>
</tr>
<tr>
<td>Farm and Gardening Classes</td>
</tr>
<tr>
<td>Farm Museum</td>
</tr>
<tr>
<td>Farm or Ranch Animal Center</td>
</tr>
<tr>
<td>Farmer's Market (Year-Round)</td>
</tr>
<tr>
<td>Farmer's Market (Seasonal)</td>
</tr>
</tbody>
</table>
### Table 5-2 B. Allowed Uses in the Arapahoe County Rural Residential Zone Districts

P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted

<table>
<thead>
<tr>
<th></th>
<th>A-2</th>
<th>R-A</th>
<th>R-E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farming or Ranching Events</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Flower Farms</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Greenhouse (products to be used for consumption of residents only)</td>
<td>A</td>
<td>A</td>
<td>NP</td>
</tr>
<tr>
<td>Group Home - Type A</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group Home - Type B</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Guest Ranch</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Home occupation</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Hunting and Riding Club</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Kennel or Animal Hospital</td>
<td>SEU</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Landing Strip for Private Aircraft and/or aircraft-related recreational facilities</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company (1041)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Mining, Quarry and Earth Extraction</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Mother-in-law Apartment</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Office incidental to the operation of the permitted use.</td>
<td>A</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Processing, packaging, and selling of an agricultural commodity</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Quasi-public Use</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Ranch Hand/Agricultural Worker Housing (Residence for persons employed at the principal permitted use only)</td>
<td>SEU</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Resource Recovery Operation (subject to Certificate of Designation as well as all applicable State requirements)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Roadside stand provided only products raised on the premises shall be sold in such stand and any such structure shall comply with applicable building codes</td>
<td>A</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Rodeo</td>
<td>SEU</td>
<td>SEU</td>
<td>NP</td>
</tr>
<tr>
<td>Shelter for agricultural implements and tools used to maintain premises</td>
<td>A</td>
<td>A</td>
<td>NP</td>
</tr>
<tr>
<td>Shooting Range (outdoor)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Single Family Dwelling Unit</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Small Wind Energy Conversion System</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stable – Commercial Riding (see setback restrictions in setback table in this Chapter)</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Stable – Private Riding (see setback restrictions in setback table in this Chapter)</td>
<td>P</td>
<td>A</td>
<td>NP</td>
</tr>
</tbody>
</table>
### Table 5-2 B. Allowed Uses in the Arapahoe County Rural Residential Zone Districts

<table>
<thead>
<tr>
<th>Use Description</th>
<th>A-2</th>
<th>R-A</th>
<th>R-E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage and Sale of Firewood</td>
<td>SEU</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Temporary Concrete and or Batching Plant with materials stockpiling</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
</tbody>
</table>

P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted
CHAPTER 6  RESIDENTIAL ZONE DISTRICTS

SECTION 6-100  R-1 RESIDENTIAL

6-101  INTENT
A. To provide for low-density residential development within the unincorporated areas of Arapahoe County.
B. Only one principal use and/or structure is permitted per lot, unless approved by the Board of Adjustment as a Special Exception Use.

6-102  PRINCIPAL PERMITTED USES
A. Single-family dwelling unit.
B. Small wind energy conversion system.
C. Type A Group Home.

6-103  ACCESSORY USES
A. Building and use customarily appurtenant to the permitted use.
B. Home occupation.
D. There shall be a maximum combination of three (3) pets.
E. Bee-keeping – see 12-2600.
F. Chicken-keeping – see 12-2700.

6-104  USE BY SPECIAL REVIEW
A. Type B Group home.
B. Quasi-public use (church, etc.).

6-105  MAXIMUM BUILDING HEIGHT
Building height not to exceed 35'.

6-106  MINIMUM AREA, LOT WIDTH AND YARD REQUIREMENTS
A. Minimum lot width is 75'.
B. Front yard is 25' (principal structure); front building line (accessory structure).
C. Side yard is 25' (principal structure); 10' (accessory structure).
D. Rear yard is 25' (principal structure); 10' (accessory structure).
E. Minimum lot area is 40,000 square feet.

6-107  AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

6-108  SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.
6-109 VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 6-200 R-PSF RESIDENTIAL PUD – SINGLE FAMILY

6-201 INTENT
A. To provide for areas in unincorporated Arapahoe County which are suitable for low density residential development, and to provide a detailed review of how these developments provide essential services (water and sanitation, schools, parks and recreation, fire and police protection, etc.).

B. Only one principal use and/or structure is permitted per lot, unless approved by the Board of Adjustment as a Special Exception Use.

6-202 PRINCIPAL PERMITTED USES
A. Single-family detached dwelling unit.
B. Single-family attached dwelling unit including: townhome, cluster development, patio home.
C. Any combination of the above.
D. Type A Group Home.

6-203 ACCESSORY USES
A. As set by an approved Preliminary Development Plan, which may include:
B. Building and use customarily appurtenant to the permitted use.
C. Home occupation.
D. See 12-1100 - Commercial Mobile Radio Facilities.
E. There shall be a maximum combination of three (3) pets.
F. Bee-keeping – see 12-2600.
G. Chicken-keeping – see 12-2700.

6-204 USES WHICH MAY REQUIRE A P.U.D. AMENDMENT
A. Quasi-public use (church, etc.).
B. Small wind energy conversion system.
C. Type B Group home.

6-205 MINIMUM AREA, LOT WIDTH, HEIGHT AND YARD REQUIREMENTS
Building height not to exceed thirty-five feet (35').

6-206 DENSITY RESTRICTIONS
Not to exceed a maximum of 4.0 dwelling units/gross acre.
6-207 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

6-208 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

6-209 VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 6-300 R-PM RESIDENTIAL PUD – MODERATE DENSITY

6-301 INTENT
To provide for areas in unincorporated Arapahoe County which are suitable for moderate density residential development, and to provide a more detailed review of how these developments provide essential services (water and sanitation, schools, parks and recreation, fire and police protection, mass transit, etc.).

6-302 PRINCIPAL PERMITTED USES
A. Single-family detached dwelling unit.
B. Single-family attached dwelling unit including: townhome, cluster development, patio home, duplex, triplex, quad development, etc.
C. Multi-family dwelling unit: Apartment or condominium unit.
D. Any combination of the above.
E. Type A Group Home.

6-303 ACCESSORY USES
A. Building and use customarily appurtenant to the permitted use.
B. Home occupation.
D. There shall be a maximum combination of three (3) pets.
E. Bee-keeping – see 12-2600.
F. Chicken-keeping – see 12-2700.

6-304 USE WHICH MAY REQUIRE A P.U.D. AMENDMENT
A. Quasi-public use (church, etc.).
B. Type B Group home.
6-305 **MINIMUM AREA, LOT WIDTH, HEIGHT AND YARD REQUIREMENTS**
Building height not to exceed 55' height or four (4) stories.

6-306 **DENSITY RESTRICTIONS**
Not to exceed 10.9 dwelling units per gross acre.

6-307 **MINIMUM UNOBSURCTED OPEN SPACE**
Thirty percent (30%) for attached and/or multifamily dwelling unit portions of developments.

6-308 **AIRPORT INFLUENCE AREA REGULATIONS**
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

6-309 **SPECIAL AREA AND ACTIVITY REGULATIONS**
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

6-310 **VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS**
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

**SECTION 6-400 R-PH RESIDENTIAL PUD – HIGH DENSITY**

6-401 **INTENT**
To provide for areas within unincorporated Arapahoe County which are suitable for high density residential development, and to provide a detailed review of how these developments address issues such as affordable housing opportunities, mass transit links with employment centers, proximity to adequate recreational facilities, etc., and how these developments provide essential services (water and sanitation, schools, fire and police protection, etc.).

6-402 **PRINCIPAL PERMITTED USES**
A. Single-family detached dwelling unit.
B. Single-family attached dwelling unit.
C. Multi-family dwelling unit.
D. Any combination of the above.
E. Type A Group Home.

6-403 **ACCESSORY USES**
A. Building and use customarily appurtenant to the permitted use.
B. Home occupation.
D. There shall be a maximum combination of three (3) pets.
Chapter 6: Residential Zone Districts

E. Bee-keeping – see 12-2600.
F. Chicken-keeping – see 12-2700.

6-404 USE WHICH MAY REQUIRE A P.U.D. AMENDMENT
A. Quasi-public use (church, etc.).
B. Type B Group home.

6-405 MINIMUM AREA, LOT WIDTH, HEIGHT AND YARD REQUIREMENTS
As set by an approved Preliminary Development Plan.

6-406 DENSITY RESTRICTIONS
A minimum of 11.0 dwelling units per gross acre.

6-407 MINIMUM UNOBSCTRUED OPEN SPACE
Thirty-five percent (35%) for attached and/or multifamily dwelling unit portions of developments.

6-408 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

6-409 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

6-410 VOIDED/DEANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 6-500 SH SENIOR HOUSING

6-501 INTENT
To provide for areas which are suitable for the construction of senior housing residences and facilities within unincorporated Arapahoe County.

6-502 PRINCIPAL PERMITTED USES
A. Housing for persons 55 years of age or older.
B. Type A Group Home.

6-503 ACCESSORY USES
A. Recreation, medical, religious, laundry and/or caretaker facilities, and other building(s) and use(s) customarily appurtenant to the permitted use.
B. Home occupation.
6-504 MINIMUM AREA, HEIGHT AND YARD REQUIREMENTS
As set by an approved Preliminary Development Plan.

6-505 MINIMUM UNOBSTRUCTED OPEN SPACE
Thirty-five percent (35%).

6-506 ADDITIONAL REQUIREMENTS
6-506.01 A. Senior housing should be accessible to:
   1. Established public transportation routes.
   2. Existing or proposed shopping areas.
   3. Public or private recreational amenities.
   4. Other residential areas to minimize senior citizen isolation.
   5. Situated to minimize traffic and emergency vehicle access impacts to surrounding neighborhoods.
   6. Medical facilities.

6-506.02 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.

6-506.03 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 ten (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.

6-507 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.
6-508 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

6-509 VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 6-600 R-M RESIDENTIAL - MANUFACTURED/MOBILE HOME

6-601 INTENT
To provide for areas which encourage the construction of manufactured homes (as defined by Senate Bill 102, as amended), and to permit mobile homes in areas of unincorporated Arapahoe County.

6-602 PRINCIPAL PERMITTED USES
A. Manufactured home.
B. Mobile home.
C. Type A Group Home.

6-603 ACCESSORY USES
A. Building and use customarily appurtenant to the principal permitted use.
B. Supervisory, management and/or other facilities for the operation and/or maintenance of the manufactured home/mobile home park.
C. Home occupation.
D. See 12-1100 - Commercial Mobile Radio Facilities.
E. There shall be a maximum combination of three (3) pets.

6-604 SPECIAL EXCEPTION USES
Small wind energy conversion system.

6-605 USE BY SPECIAL REVIEW
A. Quasi-public use (church, etc.).
B. Type B Group Home.

6-606 MAXIMUM BUILDING HEIGHT
Building height not to exceed twenty-five feet (25') for mobile homes; building height not to exceed thirty-five feet (35') for manufactured homes.

6-607 MINIMUM AREA, LOT WIDTH AND YARD REQUIREMENTS
A. Minimum lot width is 50'.
B. Front yard is 20' (principal structure); front building line (accessory structure).
C. Side yard is 0' (principal structure); 5' (accessory structure).
D. Rear yard is 10' (principal structure); 5' (accessory structure).
E. From public right-of-way is 20'.
F. Minimum distance between principal structures is 20'.
G. Minimum lot area is 5,000 square feet.

6-608 DENSITY RESTRICTIONS
Not to exceed seven (7) units per gross acre.

6-609 ADDITIONAL REQUIREMENTS

6-609.01 Manufactured/mobile home parks or subdivisions shall abut or have access to streets and highways no less than sixty feet (60') wide.

6-609.02 The manufactured home, or mobile home, park or subdivision shall be so arranged that all residences have direct access to an interior roadway.

6-609.03 Approved landscaping shall not interfere with the transporting of a mobile home unit.

6-609.04 Ten-foot (10') 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.

6-609.05 In each manufactured/mobile home park there shall be provided the following areas:
   A. Adequate laundry facilities for residents.
   B. Two (2) off-street parking spaces for each residence.
   C. A recreation area for the residents.

6-609.06 Garbage and trash containers, rodent and insect control features, and water and sewer provisions must meet with the approval of the Tri-County Health Department and/or the State Health Department.

6-610 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

6-611 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

6-612 VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.
CHAPTER 7: COMMERCIAL ZONE DISTRICTS – B-1, B-3, B-4, & B-5

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Section 7-101 Commercial Zone Districts Established

Section 7-201 Commercial Zone Districts and District Specific Standards
  7-201.01 General Purposes
  7-201.02 B-1 Administrative and Professional Offices
  7-201.03 B-3 Neighborhood and Community Business
  7-201.04 B-4 Specialty Commercial
  7-201.05 B-5 Regional Commercial

Section 7-301 Performance Standards

Section 7-302– Allowed uses SEE Combined Business and Industrial Table
Chapter 7: Commercial Zone Districts and District-Specific Standards

This Chapter of the Land Development Code identifies and establishes the Administrative and Professional Offices (B-1), Neighborhood and Community Business (B-3), Specialty Commercial (B-4), and Regional Business (B-5) zone districts for the unincorporated portions of Arapahoe County, as well as the (1) purpose and (2) regulations specific to each of these districts. The regulations contained in this Chapter for B-1, B-3, B-4, and B-5 are district-specific in that they apply on a district-wide basis and generally relate back to the stated purposes of the zone district. The standards and requirements provided in this Land Development Code also apply to development in each of these districts.

Section 7-101 Commercial Zone Districts Established

In order to carry out the purposes and intent of this Chapter of the Land Development Code, the following standard zone districts are established. They may be referred to throughout this Code by their name or district letter abbreviations.

<table>
<thead>
<tr>
<th>Table 7-1: Commercial Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Abbreviation</strong></td>
</tr>
<tr>
<td>B-1</td>
</tr>
<tr>
<td>B-3</td>
</tr>
<tr>
<td>B-4</td>
</tr>
<tr>
<td>B-5</td>
</tr>
</tbody>
</table>

Section 7-201 Commercial Zone Districts

This section sets forth all conventional business zone districts applicable in unincorporated Arapahoe County, including for each: (1) the district’s specific intent and purpose; (2) the district’s role in implementing the Comprehensive Plan’s future land-use policies; (3) location criteria that the County must consider in mapping such district to specific property; and (4) development and design standards specific to such district.

7-201.01 General Purposes

The business zone districts set forth in this section are established, designed, and intended to provide a wide range of services and goods to meet household and business needs, and more specifically:

A. To provide appropriately located areas consistent with the Comprehensive Plan for a full range of office, retail commercial, and service commercial uses needed by Arapahoe County’s residents, businesses, and workers.

B. To strengthen the County’s economic base, and provide employment opportunities close to home for residents of Arapahoe County.

C. To create new business centers that provide convenient vehicular access, encourage safe and efficient pedestrian connections, and provide efficient public transit circulation and connections.
D. To encourage mixed-use and higher-density urban development, where such development is consistent with existing land uses or is reflected in the adopted Comprehensive Plan/SubArea Plans and to encourage redevelopment and adaptive reuse of aging and underutilized areas in the County’s Urban Growth Areas and Eastern Communities, and increase the efficient use of available commercial land in the County.

E. To create suitable environments for various types of commercial business uses, and protect them from the adverse effects of incompatible uses.

F. To minimize the impact of commercial business development on abutting residential districts and uses.

G. To ensure that the appearance and impacts of commercial buildings and uses are compatible with the character of the area in which they are located through design standards and guidelines.

**7-201.02 B-1 ADMINISTRATIVE AND PROFESSIONAL OFFICES DISTRICT**

**7-201.02.01 Specific Purpose**

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

**7-201.02.02 Relation to the Comprehensive Plan**

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

**7-201.02.03 Location and Other Rezoning Criteria**

In addition to satisfying the general rezoning criteria stated in Chapter 13, the County may consider a rezoning to the B-1 district based upon the following criteria:

A. Administrative and Professional Offices sites shall:
   a. Range in size from 1 to 5 acres;
   b. Be compatible with surrounding neighborhoods;
   c. Be designed in a manner that encourages direct pedestrian and bicycle access.

B. The B-1 District shall be located within a designated Urban Growth Area.

C. In the Eastern Communities, the proposed district is consistent with the Comprehensive Plan and any applicable Sub-Area Plans.

D. Live-Work: reserved for future consideration.
7-201.02.04 District-Specific Standards

A. Principal uses conducted in this district shall be contained within a completely enclosed structure.

B. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.

C. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance compatibility with adjacent land uses and minimize adverse visual and audible impacts.

D. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.

E. 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.

F. 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.

G. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

H. Live-Work and/or Vertically Mixed-Use: reserved for future consideration.

7-201.03 B-3 NEIGHBORHOOD AND COMMUNITY BUSINESS DISTRICT

7-201.03.01 Specific Purpose

The B-3 District provides for a wide range of general commercial goods and services for County residents and local communities. Such goods and services are primarily contained in enclosed structures, and may serve multiple neighborhoods or a community.

The B-3 district will allow the continuance and new development of stand-alone commercial retail and business uses. Mixed-use, commercial, and employment center development is strongly encouraged. When permitted, B-3 District nonresidential uses are located in close proximity to existing residential development or a residential zone district. The B-3 district should be compatible in terms of scale and bulk, and should minimize any potential adverse impacts on adjacent residential uses.
7-201.03.02 Relation to the Comprehensive Plan

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

7-201.03.03 Location Criteria

In addition to satisfying the general rezoning criteria stated in Chapter 13, the County may consider a rezoning to the B-3 district based upon the following criteria:

A. The B-3 District shall be located within a designated Urban Growth Area.

B. The proposed district is consistent with the Comprehensive Plan and any applicable SubArea Plans.

C. The nature and location of the proposed district and uses will not create, promote, or exacerbate a strip commercial development pattern along any street.

D. Live-Work and/or Vertically Mixed-Use: reserved for future consideration.

7-201.03.04 District-Specific Standards

A. All principal uses are intended to be conducted within a completely enclosed structure, except for outdoor seating and eating areas.

B. Permanent outdoor display and outdoors sales, temporary or seasonal outdoor displays, sales, or special events are prohibited within the district except as otherwise noted in this chapter.

C. Outdoor storage is prohibited.

D. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.

E. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. All uses must comply with the lighting standards contained in this Land Development Code.

F. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance the compatibility of uses to adjacent land uses.

G. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.

H. 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.
I. 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.

J. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

K. Live-Work and/or Vertically Mixed-Use: reserved for future consideration.

7-201.04 B-4 SPECIALTY COMMERCIAL DISTRICT

7-201.04.01 Specific Purpose

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

7-201.04.02 Relation to the Comprehensive Plan

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

7-201.04.03 Location Criteria

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

A. The B-4 District is located within a designated Urban Growth Area.

B. In the Eastern Communities, the proposed district is consistent with Comprehensive Plan and any applicable SubArea Plans.

C. Any outdoor activity proposed within the district will be sited and designed to mitigate adverse visual impacts, odors, and other adverse impacts on neighboring land uses and on the public’s use of adjacent streets, rights-of-way, and trails.

7-201.04.04 District-Specific Standards

A. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.
B. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. All uses must comply with the lighting standards contained in this Land Development Code.

C. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance the compatibility of uses to adjacent land uses.

D. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.

E. 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.

F. 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.

G. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

H. Live-Work and/or Vertically Mixed-Use: reserved for future consideration.

7-201.05 B-5 REGIONAL COMMERCIAL DISTRICT

7-201.05.01 Specific Purpose
The B-5 District is intended to provide for regional commercial development within the unincorporated portions of Arapahoe County. This zone district focuses on regional commercial development that may serve a broader population and may provide commercial and business services outside of the local area. The County strongly encourages new development and redevelopment in mixed-use developments, including business and light industrial parks, wherever feasible and appropriate.

7-201.05.02 Relation to the Comprehensive Plan
The B-5 District generally implements the "Community Commercial,” “Regional Commercial,” “Convenience Commercial,” and “Employment Centers” land-use categories stated in the Comprehensive Plan.

7-201.05.03 Location Criteria
In addition to satisfying the general rezoning criteria stated in Chapter 13, the County may consider a rezoning to the B-5 district based upon the following criteria:

A. The B-5 District is located within a designated Urban Growth Area.
B. In the Eastern Communities, the proposed district is consistent with Comprehensive Plan and any applicable SubArea Plans.

C. Any outdoor activity proposed within the district will be sited and designed to mitigate adverse visual, odor, and other impacts on neighboring land uses and on the public’s use of adjacent streets and rights-of-way, and trails.

D. Intended for areas served by arterial or major collector roadways.

7-201.05.04 District-Specific Standards

A. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.

B. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. All uses must comply with the lighting standards contained in this Land Development Code.

C. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance the compatibility of uses to adjacent land uses.

D. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.

E. 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.

F. 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.

G. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.
# Section 7-301 Commercial Zone District Performance Standards

<table>
<thead>
<tr>
<th>Table 7-3 A. Performance Standards B-1, B-3, B-4 &amp; B-5</th>
<th>B-1</th>
<th>B-3</th>
<th>B-4</th>
<th>B-5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MINIMUM YARD REQUIREMENTS</strong> -  Setbacks may differ subject to IBC requirements. Buildings are not permitted in easements unless a letter from utility easement holder is recorded.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback from property lines abutting adjacent residential uses</td>
<td>50’</td>
<td>50’</td>
<td>50’</td>
<td>50’</td>
</tr>
<tr>
<td>Setback from property lines abutting adjacent public ROW</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
</tr>
<tr>
<td>Setback from front property line if the building is oriented toward the street and accesses the public sidewalk.</td>
<td>10’</td>
<td>10’</td>
<td>10’</td>
<td>25’</td>
</tr>
<tr>
<td>Setback from property lines abutting commercial business or industrial zones or uses except as provided for elsewhere is this Land Development Code</td>
<td>10’</td>
<td>10’</td>
<td>25’</td>
<td>10’</td>
</tr>
<tr>
<td>Setback from interior property lines for multiple parcels managed as a single development.</td>
<td>10’</td>
<td>10’</td>
<td>10’</td>
<td>10’</td>
</tr>
<tr>
<td>Minimum separation between structures</td>
<td>IBC</td>
<td>IBC</td>
<td>IBC</td>
<td>IBC</td>
</tr>
<tr>
<td>Setback between designated parking areas and property lines</td>
<td>10’</td>
<td>10’</td>
<td>10’</td>
<td>10’</td>
</tr>
</tbody>
</table>

**Note:** Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow for snow and ice melt on adjacent streets and sidewalks.

**Note:** May be subject to specific overlay district regulations (AIA, CAEPA, Strasburg Downtown Overlay, and others as specified in this Land Development Code – see Chapter 10).

**LOT SIZE** – All site designs must demonstrate compliance with all site development standards in LDC & applicable building codes.

**MAXIMUM BUILDING HEIGHT** - (including mechanical appurtenances) | 35’ | 50’ | 50’ | 50’ |

**MINIMUM UNOBSSTRUCTED OPEN SPACE**

<table>
<thead>
<tr>
<th>Single story structure</th>
<th>20%</th>
<th>20%</th>
<th>20%</th>
<th>20%</th>
</tr>
</thead>
<tbody>
<tr>
<td>For each additional story – additional 5% open space is required up to a maximum of 35%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Section 7-302 – Allowed uses – B-1, B-3, B-4 & B-5

This section sets forth the uses anticipated in the Commercial zone districts. Furthermore the table included below indicates which uses are allowed in the Commercial zone districts as well as the extent to which they are allowed. Additional information is available in this Land Development Code for uses anticipated within the unincorporated areas of Arapahoe County.

Chapter 7 - Commercial and Chapter 8 - Industrial Uses have been included in one Use Table.

<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-3</th>
<th>B-4</th>
<th>B-5</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Event and Conference Center</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>USR</td>
</tr>
<tr>
<td><strong>Day care</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>USR</td>
</tr>
<tr>
<td><strong>Animal Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Day Care Facility – no outdoor kennels</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Animal Day Care Facility – with outdoor kennels</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Animal hospital and veterinary clinic (no outdoor kennels)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Animal hospital and veterinary clinic (with outdoor kennels)</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Retail &amp; Commercial Service</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>A</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>A (25%)</td>
<td>A (25%)</td>
</tr>
<tr>
<td>Retail sale of any commodity manufactured, processed, fabricated and/or warehoused only on the premises (greater than 25%)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Retail sale of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>SEU</td>
</tr>
<tr>
<td>Retail, Service</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>SEU</td>
</tr>
<tr>
<td>Bank (with or without drive-through)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>SEU</td>
</tr>
<tr>
<td>Convenience store with or without gas pumps</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Convenience store, 24-hour operation, with or without gas pumps</td>
<td>NP</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Temporary seasonal “tent”/sidewalk sales not exceeding a total of thirty (30) days in any one calendar year, per shopping center</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td><strong>Restaurant &amp; Bars &amp; Hospitality</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant – without drive through</td>
<td>A</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Restaurant – with drive through</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bar/Tavern</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Nightclub</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
</tr>
</tbody>
</table>
## Use Table - Business and Industrial Zone Districts

<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-3</th>
<th>B-4</th>
<th>B-5</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microbrewery</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
<td>USR</td>
</tr>
<tr>
<td><strong>Recreation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Club</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>A</td>
</tr>
<tr>
<td>Recreation – Indoor</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Recreation – Outdoor</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>USR</td>
</tr>
<tr>
<td>Fair or Carnival, Temporary (not to exceed 30 days in one year)</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>NP</td>
</tr>
<tr>
<td><strong>Automotive &amp; Parking</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto sales with or without minor auto repair as an accessory use</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parking lot, commercial</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Parking lot, accessory</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Auto service station</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Car wash and/or auto detailing</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle Repair, Minor</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle Repair, Major</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>USR</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle Sales/Leasing/Rental</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Contractors &amp; Trades</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractors including but not limited to plumbing, heating, and electrical (no outdoor storage)</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Contractors including but not limited to plumbing, heating, and electrical (with outdoor storage)</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Specialty Trade Shop, including but not limited to cabinet shop, electric shop, plumbing shop, heating shop, lithographic and/or printing shop, furniture reupholstering</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Building/Landscape material sales yard (not including concrete mixing, creosote, or asphalt operation)</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Manufacturing, Warehousing, &amp; Industrial</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing, Light</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing, Heavy</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Repair, rental, and servicing of commodities produced or warehoused in zone district</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Wholesale business, storage, or warehousing</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>NP</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Mini-warehouse/self storage</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Showroom/Warehouse</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Greenhouses or fruit stands, wholesale or retail</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Laboratories</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Note: B-2 properties rezoned to B-3 Dec 7, 2010
<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-3</th>
<th>B-4</th>
<th>B-5</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research &amp; Development, indoor use only</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Research &amp; Development, with outdoor use</td>
<td>NP</td>
<td>NP</td>
<td>USR</td>
<td>NP</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Junk Yard</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Automobile Wrecking/Salvage</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Commercial sanitary landfill (subject to obtaining the required “Certificate of Designation,” as well as all applicable State requirements)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Resource recovery operation/recycling facility (subject to obtaining the required “Certificate of Designation,” as well as all applicable State requirements)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>Residence required for caretaker or night watchman employed by the premises</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Gravel, mineral or sand extraction, quarry or sand</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>USR</td>
</tr>
<tr>
<td>Major Electrical, Natural Gas and Petroleum-Derivative Facilities of a Private Company</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>USR</td>
</tr>
<tr>
<td>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)</td>
<td>1041</td>
<td>1041</td>
<td>1041</td>
<td>1041</td>
<td>1041</td>
<td>1041</td>
</tr>
<tr>
<td>Electric power plant transmission lines and transmission substation of a private company</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>USR</td>
</tr>
<tr>
<td>Natural gas transmission pipeline or transmission pump station of a private company</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>USR</td>
</tr>
<tr>
<td>Petroleum derivates including refinery, transmission pipelines, processing of biofuels, and transmission pump stations of a private company</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>USR</td>
</tr>
<tr>
<td>Minor public utility facility (underground distribution lines)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Minor public utility facility (distribution substation)</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
</tr>
<tr>
<td>Minor public utility facility (including above-ground distribution lines)</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sewage disposal treatment plant</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>1041</td>
<td>1041</td>
</tr>
<tr>
<td>Telephone exchanges &amp; similar buildings to house telephone or telecommunication equipment</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Water treatment plant</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>1041</td>
<td>1041</td>
</tr>
<tr>
<td>Slaughter House</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>USR</td>
<td></td>
</tr>
<tr>
<td><strong>Other Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building and use customarily appurtenant to the permitted use</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Uses not specifically listed above may be permitted if, in the opinion of the Zoning Administrator, they</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>
Use Table - Business and Industrial Zone Districts

<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-3</th>
<th>B-4</th>
<th>B-5</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>are similar in character to permitted uses in this district, and are in conformance with the intent of this district.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Review</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexually-oriented business (12-1000 requirements)</td>
<td>NP</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>CMRS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Billboard and/or off-premise signage (12-300 signs)</td>
<td>NP</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Quasi-public use (church, etc.)</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Helipad operations approved by the Federal Aviation Administration (F.A.A.) and not located closer than 1000' to any existing or planned residential dwelling unit</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Live/Work</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
</tbody>
</table>

Note: B-2 properties rezoned to B-3 Dec 7, 2010
CHAPTER 8: INDUSTRIAL ZONE DISTRICTS – I-1 & I-2

Table of Contents:

Section 8-101 Industrial Zone Districts Established

Section 8-201 Industrial Zone Districts
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  8-201.02 I-1 Light Industrial District
  8-201.03 I-2 Heavy Industrial District

Section 8-301 Industrial Zone District Performance Standards

Section 8-302– Allowed Uses - SEE Combined Business and Industrial Use Table
**Chapter 8: Industrial Zone Districts and District-Specific Standards**

This Chapter of the Land Development Code identifies and establishes the Light Industrial (I-1) and the Heavy Industrial (I-2) zone districts for the unincorporated portions of Arapahoe County, as well as the (1) purpose and (2) regulations specific to each of these districts. The regulations contained in this Chapter for I-1 and I-2 are district-specific in that they apply on a county-wide basis and generally relate back to the stated purposes of the zone district. The standards and requirements provided in this Land Development Code also apply to development in each of these districts.

### Section 8-101 Industrial Zone Districts Established

In order to carry out the purposes and intent of this Chapter of the Land Development Code, the following standard zone districts are established. They may be referred to throughout this Code by their name or district letter abbreviations.

<table>
<thead>
<tr>
<th>Table 8-1: Industrial Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Abbreviation</strong></td>
</tr>
<tr>
<td>I-1</td>
</tr>
<tr>
<td>I-2</td>
</tr>
</tbody>
</table>

### Section 8-201 Industrial Zone Districts

This section sets forth all industrial zone districts in unincorporated Arapahoe County, including for each: (1) the district’s specific intent and purpose; (2) the district’s role in implementing the Comprehensive Plan’s land-use policies; (3) location criteria that the County must consider in mapping such district to specific property; and (4) development and design standards specific to such district.

#### 8-201.01 General Purposes

Among the County’s primary land-use goals, as stated in the Comprehensive Plan, are goals to promote employment and commercial development in Growth Areas and plan for adequate public facilities and services in Growth Areas. The industrial-zone districts in this section are intended to implement these goals by promoting an economic base for unincorporated Arapahoe County.

Residential uses are generally not allowed in these districts, with the exception of well-planned light industrial business parks that are integrated with higher density residential units. These zone districts are intended to apply only within designated locations of Urban Service Areas/Urban Growth Boundaries and Rural Town Centers of Eastern Communities as designated in the Comprehensive Plan. These districts are generally not appropriate for properties located in a Rural Area, unless the proposed use is agricultural related.

While the County intends to foster economic development and employment opportunities in Growth Areas, this type of development should be balanced with other community values.
8-201.02 I-1 LIGHT INDUSTRIAL DISTRICT

A. Specific Purpose
All development in the district must respect and respond to the district’s unique light industrial character. All development must be sited to avoid or mitigate any adverse impacts to the environment and sensitive development areas, including impacts on air quality and important riparian corridors that perform important drainage, habitat, and recreational functions.

All development must have no detrimental impacts on soil stability or ground water supplies or adversely impact the quality of ground water supplies. All development must mitigate impacts from runoff and/or from changes to the drainage characteristics of the land.

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

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

1. This zone district must be located in designated areas of the Urban Service Areas/Urban Growth Boundaries and Rural Town Centers of Eastern Communities as designated in the Comprehensive Plan and associated Sub-area Plans;

2. This zone district should be compatible with adjacent land uses;

3. This district should be located in areas convenient to railroads, airports or arterial roads and highways and within or near employment centers, especially for businesses that rely on movement of goods and materials.

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.

2. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. Lighting is regulated in another chapter of the Land Development Code.

3. Industrial activities shall be oriented to minimize visual and audible impacts to residential uses, open space, natural areas and arterial roads. A combination of appropriate screening and landscaping must be used to enhance the compatibility of industrial uses to adjacent land uses.
4. Long, unarticulated facades shall be avoided by employing at least four of the following to create visual interest and shadow lines: textured and/or patterned surfaces, projections of exterior building walls, recesses and reveals to exterior building walls, variations in color, window fenestration, roof overhangs, and/or changes in parapet height.

5. On-site loading docks and service areas shall be located to minimize visibility from public streets or adjacent residential uses to the extent feasible, given the topography of the site and surrounding areas. Service and loading areas that are visible from residences or public streets shall be appropriately screened by fences, walls, landscaping berms or any combination thereof. Site design shall demonstrate efforts to minimize audible impacts to adjacent properties.

6. All buildings shall provide architectural improvements that include at least four of the following: wainscoting, use of different colors and materials, placement of doors, window treatments, color bands, material changes, and an integral use of landscaping.

7. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing that is a minimum of six feet in height. Trash enclosures are subject to applicable design standards of this code.

8. Outdoor storage shall be completely screened, to the extent feasible, given the topography of the site and surrounding areas, by a method that matches the thematic colors and materials of the building. The screen wall or solid fence shall not exceed ten feet in height, and storage materials shall not be stacked or be visible above the enclosure, when viewed from the property line.

9. The location of exterior mechanical equipment associated with industrial processing or manufacturing operations shall minimize visual and auditory impacts to adjacent property and public streets, and shall comply with other applicable design standards of this code.

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

8-201.03 I-2 HEAVY INDUSTRIAL DISTRICT

A. Specific Purpose

The I-2 Zone District is intended to provide land for heavy industrial and basic economic uses in designated Growth Areas of Urban Service Areas/Urban Growth Boundaries and Rural Town Centers of Eastern Communities in unincorporated Arapahoe County as designated “Heavy Industrial” in the Comprehensive Plan.

All development in the district must respect and respond to the district’s unique site characteristics. Compatibility with surrounding land uses is very important. All development must be sited to avoid or mitigate any adverse environmental impacts such as air quality and water quality, including impacts on important riparian corridors that perform important drainage, habitat, and recreational functions.

All development must have no detrimental effects on soil stability or ground water supplies, or adversely impact the quality of ground water supplies. All development must mitigate impacts from runoff and/or from changes to the drainage characteristic of the land.

B. Relation to the Comprehensive Plan

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

C. Location Criteria

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

1. The proposed district is located in the Urban Service Areas/Urban Growth Boundaries or in Rural Town Centers of Eastern Communities as designated in the Comprehensive Plan/Sub-Area Plans;

2. Heavy industrial sites should have access to one or more major arterials or highways capable of handling heavy-truck traffic. Railroad or airport access may also be used.

3. This zone district focuses on regional heavy industrial uses that may serve a broader population and may provide industrial services outside of the local area.

D. District-Specific Standards

1. Traffic generated from heavy-industrial development shall not pass through residential areas.

2. This zone district will be adequately buffered from population centers and especially all residential zone districts.
3. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas.

4. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. Lighting is regulated in another chapter of the Land Development Code.

5. Industrial activities shall be oriented to minimize visual and audible impacts to residential uses, open space, natural areas and arterial roads. A combination of appropriate screening and landscaping will enhance the compatibility of industrial uses to adjacent land uses.

6. Long, unarticulated facades shall be avoided by employing at least four of the following to create visual interest and shadow lines: textured and/or patterned surfaces, projections of exterior building walls, recesses and reveals to exterior building walls, variations in color, window fenestration, roof overhangs, and/or changes in parapet height.

7. On-site loading docks and service areas shall be located to minimize visibility from public streets or adjacent residential uses to the extent feasible, given the topography of the site and surrounding areas. Service and loading areas that are visible from residences or public streets shall be appropriately screened by fences, walls, landscaping berms or any combination thereof. Site design shall demonstrate efforts to minimize audible impacts to adjacent properties.

8. All buildings shall provide architectural improvements that include at least four of the following: wainscoting, use of different colors and materials, placement of doors, window treatments, color bands, material changes, and an integral use of landscaping.

9. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing that is a minimum of six feet in height. Trash enclosures are subject to applicable design standards of this code.

10. Outdoor storage shall be completely screened, to the extent feasible, given the topography of the site and surrounding areas, by a method that matches the thematic colors and materials of the building. The screen wall or solid fence shall not exceed ten feet in height, and storage materials shall not be stacked or be visible above the enclosure, when viewed from the property line.

11. The location of exterior mechanical equipment associated with industrial processing or manufacturing operations shall minimize visual and auditory impacts to adjacent property and public streets, and shall comply with other applicable design standards of this code.
12. Four-sided/360 degree architecture shall be used on all buildings except where not visible from adjoining properties, public ROW, or private roadways within the development.

Section 8-301: I-1 and I-2 District Performance Standards

<table>
<thead>
<tr>
<th>Table 8-3 A. Performance Standards I-1 &amp; I-2</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MINIMUM YARD REQUIREMENTS</strong> - Setbacks may differ subject to IBC requirements. Buildings are not permitted in easements unless a letter from utility easement holder(s) is provided.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>From any property lines abutting residential zones or uses</td>
<td>50'</td>
<td>100'</td>
</tr>
<tr>
<td>From any property lines abutting non-residential zones or uses</td>
<td>25'</td>
<td>50'</td>
</tr>
<tr>
<td>From any property lines abutting public right-of-way lines</td>
<td>25'</td>
<td>25'</td>
</tr>
<tr>
<td>Interior lot line setback</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>Minimum distance between structures</td>
<td>IBC</td>
<td>IBC</td>
</tr>
<tr>
<td>Minimum designated parking area setback from each property line</td>
<td>10'</td>
<td>10'</td>
</tr>
</tbody>
</table>

**Note:** Structures located on the south side of the streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.

**Note:** May be subject to specific overlay district regulations (AIA, CAEPA, Strasburg Downtown Overlay, and others as specified in this Land Development Code – see Chapter 10)

**LOT SIZE**

All site designs must demonstrate compliance with all site development standards and applicable building codes

**BUILDING HEIGHT**

Maximum Building Height (Including roof-top mechanical appurtenances) | 50’ | 50’

**MINIMUM UNOBSURED OPEN SPACE**

<table>
<thead>
<tr>
<th></th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single story structure</td>
<td>20%</td>
<td>20%</td>
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</table>

For each additional story, an additional 5% open space will be required up to a maximum of 35%.
Section 8-302 – Allowed uses – I-1 & I-2
This section sets forth the uses anticipated in the Industrial zone districts. Furthermore the table included below indicates which uses are allowed in the Industrial zone districts as well as the extent to which they are allowed. Additional information is available in this Land Development Code for uses anticipated within the unincorporated areas of Arapahoe County.

Chapter 7 - Commercial and Chapter 8 - Industrial Uses have been included in one Use Table.

<table>
<thead>
<tr>
<th>Use Table - Business and Industrial Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Event and Conference Center</td>
</tr>
<tr>
<td>Day care</td>
</tr>
</tbody>
</table>

**Animal Services**

| Animal Day Care Facility – no outdoor kennels       | P   | P   | P   | P   | P   | P   |
| Animal Day Care Facility – with outdoor kennels    | NP  | NP  | P   | P   | P   | P   |
| Animal hospital and veterinary clinic (no outdoor kennels) | P   | P   | P   | P   | P   | P   |
| Animal hospital and veterinary clinic (with outdoor kennels) | NP  | NP  | P   | P   | P   | P   |

**Retail & Commercial Service**

| Retail sale of any commodity manufactured, processed, fabricated and/or warehoused only on the premises (greater than 25%) | NP   | NP   | NP   | NP   | SEU  | SEU |
| Retail sale of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction | NP   | NP   | NP   | NP   | NP   | SEU |
| Retail, Service                                     | P   | P   | P   | P   | A   | SEU |
| Bank (with or without drive-through)                | P   | P   | P   | P   | P   | A   |
| Convenience store with or without gas pumps        | P   | P   | P   | P   | NP  | NP  |
| Convenience store, 24-hour operation, with or without gas pumps | P   | P   | USR | USR | USR | USR |
| Temporary seasonal “tent”/sidewalk sales not exceeding a total of thirty (30) days in any one calendar year, per shopping center | NP   | P   | P   | P   | NP  | NP  |

**Restaurant & Bars & Hospitality**

| Restaurant – without drive through                  | A   | P   | P   | P   | P   | P   |
| Restaurant – with drive through                     | NP  | P   | P   | P   | P   | P   |
| Bar/Tavern                                          | NP  | P   | P   | P   | NP  | NP  |
| Nightclub                                           | NP  | P   | P   | P   | NP  | NP  |
### Use Table - Business and Industrial Zone Districts

P=Permitted; NP=Not Permitted; A=Accessory; USR=Use by Special Review; SEU=Special Exception Use; 1041=See Land Development Code Regulations for 1041
CD = Certificate of Designation; R = Reserved for Future Code Amendment

<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-3</th>
<th>B-4</th>
<th>B-5</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microbrewery</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>USR</td>
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<tr>
<td><strong>Recreation</strong></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Health Club</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>A</td>
</tr>
<tr>
<td>Recreation – Indoor</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Recreation – Outdoor</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>USR</td>
</tr>
<tr>
<td>Fair or Carnival, Temporary (not to exceed 30 days in one year)</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>NP</td>
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<tr>
<td><strong>Automotive &amp; Parking</strong></td>
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<tr>
<td>Auto sales with or without minor auto repair as an accessory use</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>Parking lot, accessory</td>
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<td>Car wash and/or auto detailing</td>
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<td>P</td>
<td>P</td>
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<td>P</td>
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<td>Vehicle Repair, Minor</td>
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<td>P</td>
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<td>P</td>
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<tr>
<td>Vehicle Sales/Leasing/Rental</td>
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<td>P</td>
<td>P</td>
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<td>P</td>
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<td><strong>Contractors &amp; Trades</strong></td>
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</tr>
<tr>
<td>Contractors including but not limited to plumbing, heating, and electrical (no outdoor storage)</td>
<td>NP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Contractors including but not limited to plumbing, heating, and electrical (with outdoor storage)</td>
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<td>NP</td>
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<td>NP</td>
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<td>Specialty Trade Shop, including but not limited to cabinet shop, electric shop, plumbing shop, heating shop, lithographic and/or printing shop, furniture reupholstering</td>
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<td>Research &amp; Development, with outdoor use</td>
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<td>NP</td>
<td>USR</td>
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<td>applicable State requirements)</td>
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<td>Resource recovery operation/recycling facility (subject</td>
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<td>as well as all applicable State requirements)</td>
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<td>Residence required for caretaker or night watchman</td>
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<td>employed by the premises</td>
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<td>Gravel, mineral or sand extraction, quarry or sand</td>
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<td>NP</td>
<td>NP</td>
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<td>USR</td>
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<td>Major Electrical, Natural Gas and Petroleum-Derivative</td>
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<td>USR</td>
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<tr>
<td>Major Public Utility Facility (includes, but is not</td>
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<td>limited to power plant, transmission line,</td>
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<tr>
<td>transmission substation, natural gas transmission</td>
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<tr>
<td>pipeline, and natural gas transmission pump station</td>
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<tr>
<td>Electric power plant transmission lines and</td>
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<td>NP</td>
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<td>Natural gas transmission pipeline or transmission</td>
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<td>NP</td>
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<td>pipelines, processing of biofuels, and transmission</td>
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<td>pump stations of a private company</td>
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<td>Minor public utility facility (underground distribution</td>
<td>P</td>
<td>P</td>
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<td>lines)</td>
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<tr>
<td>Minor public utility facility (distribution substation)</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
<td>L&amp;E</td>
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<tr>
<td>Minor public utility facility (including above-ground</td>
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<td>NP</td>
<td>NP</td>
<td>NP</td>
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<tr>
<td>distribution lines)</td>
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<td>Sewage disposal treatment plant</td>
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<td>Telephone exchanges &amp; similar buildings to house</td>
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<td>NP</td>
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<tr>
<td>telephone or telecommunication equipment</td>
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<td>Water treatment plant</td>
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<td>Slaughter House</td>
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<td>A</td>
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Chapter 8 – Industrial Zone Districts
Page 10 of 11
Effective September 30, 2011
<table>
<thead>
<tr>
<th>Use</th>
<th>B-1</th>
<th>B-3</th>
<th>B-4</th>
<th>B-5</th>
<th>I-1</th>
<th>I-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses not specifically listed above may be permitted if, in the opinion of the Zoning Administrator, they are similar in character to permitted uses in this district, and are in conformance with the intent of this district.</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Sexually-oriented business (12-1000 requirements)</td>
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<td>NP</td>
<td>P</td>
<td>P</td>
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<td>CMRS</td>
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<tr>
<td>Billboard and/or off-premise signage (12-300 signs)</td>
<td>NP</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
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<tr>
<td>Quasi-public use (church, etc.)</td>
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<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
<td>USR</td>
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<tr>
<td>Helipad operations approved by the Federal Aviation Administration (F.A.A.) and not located closer than 1000' to any existing or planned residential dwelling unit</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
<td>SEU</td>
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<tr>
<td>Live/Work</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
</tbody>
</table>
CHAPTER 9 OTHER ZONE DISTRICTS

SECTION 9-100 MU - MIXED USE

9-101 INTENT
To provide for mixed use development proposals in the unincorporated areas of Arapahoe County.

9-102 PRINCIPAL PERMITTED USES
Any combination of commercial, industrial, or residential uses permitted by an approved Preliminary Development Plan. Type A Group Homes shall be a principal permitted use when residential uses are a part of the MU-PUD.

9-103 ACCESSORY USES
As set by an approved Preliminary Development Plan (if any), otherwise:
   A. Building and use customarily appurtenant to the permitted use.
   B. See 12-1100 - Commercial Mobile Radio Facilities.
   C. There shall be a maximum combination of three (3) pets.

9-104 USES WHICH MAY REQUIRE A P.U.D. AMENDMENT
Land uses not approved by an approved Preliminary Development Plan.

9-105 MAXIMUM BUILDING HEIGHT
As set by an approved Preliminary Development Plan.

9-106 MINIMUM YARD REQUIREMENTS
As set by an approved Preliminary Development Plan.

9-107 MINIMUM UNOBSTRUCTED OPEN SPACE
As set by an approved Preliminary Development Plan.

9-108 AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

9-109 SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

9-110 VOIED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.
SECTION 9-200  C - CULTURAL

9-201  INTENT
To provide areas in the unincorporated portions of Arapahoe County which are devoted to cultural facilities for the use and enjoyment of the County’s residents.

9-202  PRINCIPAL PERMITTED USES
A. Museum.
B. Cultural indoor/outdoor amphitheater (excluding indoor and outdoor cinematic theaters).
C. Open-air assembly facility.
D. Sports stadium/coliseum.
E. Indoor arena.
F. Zoo.
G. Fairgrounds.
H. Parks and recreation areas.
I. Church.
J. Public and/or private/commercial outdoor recreational facility.
K. Uses not specifically listed above may be permitted if, in the opinion of the Zoning Administrator, they are similar in character to permitted uses in this district, and are in conformance with the intent of this district.

9-203  ACCESSORY USES
As set by an approved Preliminary Development Plan, which may include:
A. Residence required for caretaker or night watchman employed by the premises.
B. See 12-1100 - Commercial Mobile Radio Facilities.

9-204  USE WHICH MAY REQUIRE AN AMENDMENT
A. Helipad operations approved by the Federal Aviation Administration (F.A.A.) and not located closer than 1,000’ to any existing or planned residential dwelling unit.
B. See 12-1100 - Commercial Mobile Radio Facilities.

9-205  MINIMUM AREA, HEIGHT AND YARD REQUIREMENTS
As set by an approved Preliminary Development Plan.

9-206  MINIMUM UNOBSTRUCTED OPEN SPACE
As set by an approved Preliminary Development Plan.

9-207  AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

9-208  SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.
9-209 VOIED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 9-300 O - OPEN

9-301 INTENT
A. To provide for areas intended to be used primarily for outdoor recreation activities and to provide open space buffers to residential areas and/or dwellings. Maximizing the areas set aside for unobstructed open space will therefore be one of the major criteria for evaluation of development proposals.
B. It is expected that development under this district will provide for the conservation of the natural features of the land.
C. If land is in a 100-year floodplain, no structures will be permitted and rezoning to “F” will be required.

9-302 PRINCIPAL PERMITTED USES
A. Outdoor recreation.
B. Agricultural use (limited to cultivation of crops only, provided that no dwelling or other structure is located in the district).
C. Public park.
D. Golf course and country club (subject to limitations required Section 12-100).
E. Recreational clubs, (Tennis club, Swim club, gun club, etc.) provided that indoor uses are limited to 10% of site.
F. Cemetery.
G. Uses not specifically listed above may be permitted if, in the opinion of the Zoning Administrator, they are similar in character to permitted uses in this district, and are in conformance with the intent of this district.

9-303 ACCESSORY USES
A. Building (where permitted) and use customarily appurtenant to the permitted use.
B. See 12-1100 - Commercial Mobile Radio Facilities.

9-304 SPECIAL EXCEPTION USES
A. Airport, private aircraft landing field, and/or aircraft-related recreational facility.
B. Helipad operations approved by the Federal Aviation Administration (F.A.A.) and not located closer than 1,000' to any existing or planned residential dwelling unit.
C. Commercial antennas and radio towers (height and location especially to be reviewed).
D. Go-cart and skateboard tracks.
E. Drive-in theater.
F. Amusement park.
G. Public riding academy and stable.
H. Driving range, miniature golf and “par 3” course.
I. Automobile parking when proposed as principal permitted use.

9-305 MAXIMUM BUILDING HEIGHT
Not to exceed thirty-five feet (35').
MINIMUM YARD REQUIREMENTS
As set by an approved Preliminary Development Plan.

MINIMUM UNOBSERVED OPEN SPACE
Ninety percent (90%).

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

SPECIAL AREA AND ACTIVITY REGULATIONS
This zone district may be affected by special area and activity regulations as set forth in these Regulations.

VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

SECTION 9-400 F - FLOODPLAIN

INTENT
Floodplains must be preserved for the primary function of conveying unobstructed floodwaters. Land within the floodplain may be used for other purposes so long as the primary conveyance and storage function of the floodplain is preserved, the use is not a detriment to water quality, and the use is consistent with this district.

A. This district is intended to comprise those areas which are subject to periodic inundation and flooding based on the stormwater produced by the 100-year storm event, and is therefore unsuitable for human habitation.

B. No structure shall be used for human habitation.

C. This district is further intended to preserve and protect the floodway.

D. The boundaries of lands controlled by this district shall be those areas which have been established as floodplains or special flood hazard areas by the Board of County Commissioners, in accordance with Section 12-2005.02 of the Floodplain Management and Flood Damage Prevention Regulations.

E. Land in this district may be used for the area requirements for any other district so long as adequate space remains in any such land outside of the floodplain for building purposes.

F. It is the intent of Arapahoe County that no new structures be constructed in F Zone property, and that all such existing legal nonconforming uses either be removed upon obsolescence or be improved to meet substantial improvement criteria set forth in Section 12-2000.

PERFORMANCE STANDARDS FOR USE OF FLOODPLAINS

A. No floodplain use shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodplains of the mainstream or any tributaries to the mainstream, drainage ditches, or any other drainage facilities or systems.
B. No structure (temporary or permanent), fill (including fill for roads and levees), deposits, obstruction, storage of materials, or other floodplain uses which, acting alone or in combination with existing or future floodplain uses, shall be permitted that adversely affect the efficiency or the capacity of the floodplain, or which adversely affects the storage capacity of the floodplain. Impervious surfaces in the floodplain shall be minimized. Proposed impervious surfaces in the floodplain are subject to approval by the Engineering Services Division with respect to generated stormwater runoff.

C. All uses of F Zone property shall comply with applicable floodplain management regulations contained in Section 12-2000, Floodplain Management and Flood Damage Prevention Regulations, as may be amended time to time, and within the Floodplain Chapter of the Arapahoe County Stormwater Management Manual.

D. The restrictions contained in this section shall be interpreted and applied in concert with the Floodplain Management and Flood Damage Prevention Regulations set forth in Section 12-2000, and the Floodplain Chapter of the Arapahoe County Stormwater Management Manual, and that in the event of conflict between the sections, the most restrictive regulation will govern.

9-403 PRINCIPAL PERMITTED USES
The following uses and improvements may be considered for approval within a floodplain if it is determined that the proposed use or improvement is in conformance with Section 12-2000, Floodplain Management and Flood Damage Prevention Regulations, 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 9-402, above, will occur as a result of the proposed use or improvement.

A. Agricultural Uses
   1) Agriculture (including crop production, livestock grazing, and fish hatcheries) and nursery, where allowed in the applicable zoning district.
   2) Noncommercial production of crops (e.g., orchards or garden plots that are an amenity to development).

B. Recreation Uses
   1) Nature areas, picnic areas, and trails.
   2) Ball fields.
   3) Golf courses, provided that:
      a) The applicant provides a management plan that demonstrates that downstream water quality will not be adversely affected by fertilizers and pesticides associated with the use; and
      b) Pedestrian and golf cart trails and bridges that are designed to pass the 10-year flood event with freeboard as per requirements of the Arapahoe County Stormwater Management Manual.
   4) Play courts / Playground equipment.
   5) Recreational camps.
   6) Trails and paths open to the general public.
   7) Riding academy, provided that no permanent structure or shelter is located within the floodplain.
   8) Wildlife sanctuary.

C. Public Facilities
   1) Facilities for watershed protection and similar uses.
   2) Detention and water quality facilities associated with County or UDFCD approved drainage Master Plans.
   3) Maintenance of existing streets.
   4) Underground utilities so long as adequate cover exists to protect the utilities.
   5) Parking for park and public facilities.
D. Landscaping is allowed provided that all applicable floodplain requirements set forth in Section 12-2000, Floodplain Management and Flood Damage Prevention Regulations, and the Floodplain Chapter of the Arapahoe County Stormwater Management Manual are met.

9-404 PROHIBITED USES

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

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

B. Prohibited Uses. The following uses are prohibited within the floodplain:

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

9-405 STORAGE OF MATERIALS

A. Storage of hazardous or floatable materials in the floodplain is prohibited.
B. Temporary storage of construction-related vehicles and materials may be permitted by the Floodplain Administrator, depending upon location and type of material storage.
C. Storage of any material in the floodway is prohibited, unless permitted by the Floodplain Administrator.
Chapter 9: Other Zone Districts

9-406 USES NOT LISTED
Uses not specifically listed above may be permitted if, in the opinion of the Floodplain Administrator, they are similar in character to permitted uses in this district, and are in conformance with the intent of this district. Uses not specifically prohibited above shall not be construed as allowed by exclusion.

9-407 USE BY SPECIAL REVIEW
Gravel, mineral or sand excavations (subject to conditions required in Section 12-100).

9-407 (a) MAXIMUM BUILDING HEIGHT
Not to exceed twenty-five feet (25').

9-407 (b) MINIMUM YARD REQUIREMENTS
All permitted structures shall set back at least twenty-five feet (25') from any public right-of-way.

9-407 (c) AIRPORT INFLUENCE AREA REGULATIONS
This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

9-408 VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS
This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.
Chapter 10 OVERLAY DISTRICTS

Section 10-100 OVERLAY DISTRICT AIRPORT INFLUENCE AREA

10-101 INTENT
A. The Airport Influence Area District is hereby established as an overlay district which includes within its boundaries each airport influence area recognized by the Board of County Commissioners. Each airport influence area is further divided into restricted areas. Property within an airport influence area is subject to the regulations of the underlying district and this Code as well as the additional regulations of this district. Development within a restricted area may require a 1041 permit in addition to compliance with other applicable County regulations.

B. These regulations are intended to provide for specific areas within Arapahoe County which recognize benefits and potentially adverse impacts which may occur within certain distances from a public, military or private airport facility, and to provide regulations that minimize these impacts as well as protect aircraft operations.

C. These regulations recognize the efforts of other agencies (Arapahoe County Public Airport Authority, U.S. Department of Defense, Adams County Front Range Airport Authority, Denver International Airport, and Federal Aviation Administration), and evidence Arapahoe County’s willingness to cooperate with these agencies in the administration of these regulations.

D. These regulations are intended to minimize exposure of residential and other noise sensitive land uses from uncontrollable aircraft noise and high numbers of aircraft overflights; to minimize risks to public safety from potential aircraft accidents; to discourage traffic congestion within these areas by regulating land use densities; and to restrict incompatible land uses within an approved airport influence area.

10-102 GENERAL PROVISIONS
The boundary of any officially recognized “airport influence area” and any noise contour or restricted zone shall be as the same appears on the Zoning Map and/or other updated documents recognized by resolution of the Board of County Commissioners. For purposes of these regulations, the airport influence area of Denver International Airport shall be the outside boundary of the 55 Ldn contour for that airport.

10-102.01 RESTRICTED AREAS

10-102.01.01 Airports
These regulations shall recognize the restricted areas of each of the following airports as depicted and described in the following documents as may be further updated by resolution of the Board of County Commissioners from time to time hereafter, and to implement selected recommendations as minimum requirements for development within the respective airport influence areas, in order to promote compatible land uses and densities within areas affected by airport operations:

Chapter 10: Overlay Districts

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

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

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

### 10-102.01.02 Mapping AIA

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

### 10-102.02 BOUNDARIES

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

A. The Board of County Commissioners has determined that the noise contours relied upon in part as the basis for the Airport Influence Area District regulations are accurate and reliable for the purposes of land use planning.

B. The Board of County Commissioners has also determined that, based upon the usage patterns of each airport, that the contours and the restrictions associated therewith reflect sound land planning principles and are justified based upon the current airport traffic regardless of whether the noise predictions are accurate.

C. The boundaries of the Airport Influence Area District and each restricted area shall be reviewed and amended when appropriate, either in conjunction with adoption of updated information by the respective airports or based upon other credible information and studies.

### 10-102.03 INTERFERENCE

No land use may be made of land within the Airport Influence Area District in such a manner as to create electrical interference with radio communication between an Air Traffic Control (ATC) facility and an aircraft; or to make it difficult for pilots to distinguish between airport lights and other lights; or to cause glare in the eyes of pilots using the airport; or to impair visibility in the vicinity of the airport; or to otherwise endanger the landing, taking off, or maneuvering of aircraft at an airport or in the vicinity of an airport.
10-102.04 NONCONFORMING STRUCTURES

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

10-102.05 PROTECTION

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

10-102.06 LOTS WITHIN MORE THAN ONE RESTRICTED AREA

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

10-103 SPECIFIC REGULATIONS

The following specific regulations for property located within any of the following restricted areas:

10-103.01 AIRPORT INFLUENCE AREA (All airports)

10-103.01.01 Avigation Easement Required

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

10-103.01.02 F.A.R. Part 77 Compliance

All features of property with an airport influence area shall comply with the requirements of 14 C.F.R. Part 77 [hereafter referred to as “F.A.R. Part 77”]. The County shall require a study establishing compliance at time of rezoning request, and may also require a similar study at the time of application for a FDP or ASP, plat or building permit. The County’s standard note requiring compliance with F.A.R. Part 77 criteria shall be required on all Preliminary, Final, Subdivision and Master Development Plans, Preliminary and Final Plats, Location and Extent
Chapter 10: Overlay Districts

Plans and Use by Special Review Plans. Where structures are permitted, the maximum height must comply with the minimum requirements of F.A.R. Part 77 in effect at the time of permit issuance. The Board of County Commissioners may require additional height restrictions be placed on any proposal within the Airport Influence Area District consistent with sound planning principles.

10.103.01.03 Development Proposals
Development applications (land use and subdivision plats) within the Airport Influence Area District shall depict the boundaries of the District and all restricted areas on or in the vicinity of the property proposed for development. The County may also require the inclusion on plans and/or plats of excerpts of the District regulations, the inclusion of the noise disclosure text, or other notes for the purpose of ensuring full and adequate disclosure of the hazards and the development conditions applicable to the property.

10-103.01.04 Development Referrals to Airport
Development proposals shall be referred to the airport operator for review and comment at the time the proposal is referred to other agencies.

10-103.01.05 Residential Uses within AIA
For all residential dwelling units to be constructed within the Airport Influence Areas, the applicant shall disclose to all prospective purchasers, in writing, on a form prepared by the Board of County Commissioners for the applicable airport, that they are located within an area that will be impacted by low-lying aircraft and aircraft noise. The notices shall include language stating that, where applicable, noise mitigation construction techniques have been required to mitigate the noise to which the property is exposed. Such notification will be accomplished by inclusion of the information in all sales contracts and brochures, conspicuous display in the sales offices, inclusion in the homeowners’ association documents, and by inclusion on all subdivision and land use plans.

10-103.02 ACCIDENT POTENTIAL ZONE (APZ) I (Buckley Air Force Base only)

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

B. Prohibit "high people density" structures and uses (shopping malls, office and residential concentrations, etc.) and uses which concentrate people unable to respond to emergency situations, such as the elderly or disabled. Prohibit utilities and services required for the area-wide population, where disruption would have an adverse impact.

C. Encourage industrial/manufacturing, transportation, communication, wholesale trade, and open space, recreational and agricultural uses. Limit permitted structures and uses to a maximum of 20% of the lot or parcel.

D. Require permitted structures to be located toward the edges of this zone.

E. Require 250 foot-wide clear path (no structures allowed) on either side of runway centerline extended through and within entire zone.
10-103.03 ACCIDENT POTENTIAL ZONE (APZ) II (Buckley AFB only)

A. Discourage new residential development. Where permitted, limit residential densities to one dwelling unit per 2.5 acres.

B. Prohibit "high people density" uses (theaters, churches, schools, restaurants, office parks, etc.), and uses which concentrate people unable to respond to emergency situations, such as the elderly or disabled. Require permitted non-residential uses to be located toward the edges of this zone.

C. Limit permitted structures and uses to a maximum of 25% of the lot or parcel.

10-103.04 APPROACH ZONE (Centennial Airport only):

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

10-103.05 RESTRICTION AREA ONE (Front Range Airport)

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

B. Structures must meet Part 77 Requirements.

C. Structures must meet Noise Level Reduction where the public is received, shall provide and include noise level reduction measures in the design and construction to achieve an interior noise level reduction of 25 decibels in A-weighted levels.

D. “Limited commercial” means structures will not be used as gathering places for a large number of people, i.e., movie theater, strip mall, bowling alley, etc.

E. “Operational and safety needs” means dust, smoke, emissions, lights or other obstructions to navigation.

F. Arapahoe County Planning will consider input from the Front Range Airport as to the compatibility of all proposed structures within Restriction Area No. 1 prior to approving a proposed development.

10-103.06 BUFFER ZONE (Centennial Airport only)

Property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive development, except that educational and day care uses may be permitted when constructed in compliance with County noise mitigation construction requirements to achieve an expected interior noise level of no greater than 45 Ldn in this exposure area.
10-103.07  RESTRICTED AREA TWO (Front Range Airport only)
Prohibits the construction of residences except that existing residences may be occupied and new homes may be built on lots platted prior to the adoption of this overlay district.

10-103.08  RESTRICTED DEVELOPMENT AREA (Centennial Airport only):
Property shall not be zoned, approved or platted to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive uses, except that day care uses within office buildings may be permitted when constructed in accordance with the County’s noise mitigation construction requirements and when sited within the building in a manner that mitigates the risk of injury from potential airplane crashes.

10-103.09  RUNWAY PROTECTION ZONE (Centennial Airport only):
Contained within Airport property boundaries. No non-aeronautical structures permitted.

10-103.10  TRAFFIC PATTERN AREA (Buckley Air Force Base, only)
Property shall not be zoned, approved or platted to accommodate residential or other noise sensitive land uses, and building permits shall not be issued for residential or other noise sensitive development. Limit building coverage to 25% of the lot or parcel.

10-103.11  65-Ldn NOISE ZONE (All airports)
Property shall not be zoned, platted or approved to allow residential or other noise sensitive uses, and building permits shall not be issued for residential or other noise sensitive development.

10-103.12  60-Ldn NOISE ZONE (All airports)
Property shall not be zoned, platted or approved to allow residential uses, and building permits shall not be issued for residential development. All other noise sensitive uses may be permitted when constructed in compliance with County noise mitigation construction requirements to achieve an expected interior noise level of no greater than 45 Ldn in this exposure area.

10-103.13  55-Ldn NOISE ZONE (All airports)
Rezoning property to permit residential uses, educational or child care uses, or to change development standards to accommodate such uses, is discouraged. Structures accommodating residential, educational or child care uses shall comply with County noise mitigation construction requirements, including air conditioning, to achieve an expected interior noise level of 45 Ldn in this exposure area.

10-104  NOISE MITIGATION CONSTRUCTION REQUIREMENTS
In all cases where noise mitigation construction is required by the Airport Influence Area District regulations, the following requirements shall be in effect:

10-104.01  PLAN/PLAT NOTE
A note in a form approved by the County Attorney shall be included on each land use plan and each plat which discloses the existence of the noise mitigation construction technique requirement and states the applicant’s and the applicant’s successors’ consent to the requirements and to the County’s enforcement of the requirements. The note shall read as follows; for residences which are also within the 55 DNL contour, the following disclosure shall also be included:
All property within 55 DNL is expected to be exposed to daily aircraft noise levels that equal or exceed an average of 55 decibels (DNL), a level of aircraft noise that the Arapahoe County Board of County Commissioners has determined is the maximum acceptable level for residential use. Because of this, Arapahoe County has required that all residences in this area and within (project name) be constructed in ways that lessen the effects of the aircraft noise to the residents of (project name). These construction techniques require, but are no limited to, air conditioning, additional insulation, insulated fenestrations, and similar techniques intended to achieve an expected interior noise level of 45 decibels (DNL) in the exposure area.

10-104.02 ENFORCEMENT

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

10-104.03 CONSTRUCTION REQUIREMENTS

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

10-104.04 SAMPLE NOISE DISCLOSURE FORMS

The Disclosure Forms are required at the time of sale of lease of property within the Airport Influence Areas of each airport.

A. SAMPLE NOISE DISCLOSURE FORM:
   (Centennial, DIA and Buckley Airports)

   IMPORTANT INFORMATION FOR YOU TO CONSIDER:

   _________________ Airport is located (distance and direction from development) of
   (name of development). _________________ Airport is a busy airport used by piston and jet
   aircraft and by helicopters, and is open 24 hours a day, seven days a week. All property
   within (name of development) will be exposed to the noise, vibrations and other effects and
   hazards of this airport. All property within (name of development) is subject to the terms of
   an aircraft overflight easement, which permits all aircraft using the airport to fly anywhere
   over (name of development). The easement consents to overflying aircraft, and prevents
   present and future owners and occupants of property within (name of development) from
   objecting to, or seeking damages due to, aircraft operations. The easement also prevents
   owners and occupants from installing structures, trees or other objects that could interfere
   with flight operations at the airport.
B. SAMPLE DISCLOSURE TO BUYERS FORM:
(Front Range Airport)

**ADDENDUM TO THE AGREEMENT**
FOR PURCHASE AND SALE
DISCLOSURES TO BUYERS

OF LOT/PUD IN ____________________________

This is an addendum to the agreement for purchase and sale dated___________________, between _____________________________ (seller) and _____________________________ (buyers) to purchase lot ___________ in ___________________ LOT/PUD in Arapahoe County, Colorado.

Seller and Buyer agree to modify said agreement as follows:

**AIRPORT**

1. *Proximity to the Airport*

____________________ LOT/PUD is located within proximity to the Front Range Airport. The LOT/PUD is also located within the “Airport Influence (AIZ) Zone” as defined by the Arapahoe County Zoning Regulations. The purchaser should be aware that property within the AIZ may be subject to overflights by commercial, general aviation, and military aircraft, and subject to noise, vibration, exhaust, air and vehicular traffic and other conditions associated with the operation of this airport. The airport is operational 24 hours per day. Flights may occur at all hours of the night.

2. *Disclosure of Noise Impacts*

Noise contours have been mapped for the Airport. The 55-Ldn noise contour lies within the boundaries of the AIZ. Therefore, homeowners should expect a varying degree of noise from these aircraft which some residents may find intrusive.

3. *Future Operations*

The airport plans to expand its operations in the future to meet an increase in the number of flights. Larger airplanes may use the airport. Night operations may increase, which could increase the noise levels within the AIZ. An additional north/south runway could be constructed in the future, which could change current flight operations at Front Range Airport. Also, future airfield operations support facilities could be constructed on airport property with access provided by 56th, Imboden, or Manilla Roads resulting in increasing vehicular traffic and noise within the AIZ.
C. AIRCRAFT ACTIVITY COVENANT WITH DISCLOSURE:
   (Front Range Airport)

AIRCRAFT ACTIVITY COVENANT WITH DISCLOSURE
The undersigned owners of lot(s) or parcel(s) of ground situated and being in the County of Arapahoe, State of Colorado, and more particularly described as follows:

Do for themselves, their heirs, successors, administrators and assigns, acknowledge disclosure and agree with the County of Arapahoe, Colorado, the State of Colorado, United States of America or any other governmental agency or department of any of the afore stated political entities or political subdivisions, that the owners or occupants of the land herein described may experience noise intrusions, dust, or particulates resulting from the operation of aircraft to or from the Front Range Airport. These covenants shall run with the land and shall be binding upon each and every property owner owning any of the lands herein described.

ATTEST:

STATE OF COLORADO )

) ss

COUNTY OF ARAPAHOE )

The following signature(s) was (were) subscribed and sworn to before me this ____ day of 20__, A.D. ______

by _______________________________

and _______________________________, SAID OWNERS

NOTARY PUBLIC _______________________________

Business Address: _______________________________

My Commission Expires _______________________________

This covenant was filed for record in the office of the Arapahoe County Clerk and Recorder in the State of Colorado, at ______.M. on the _____ day of ____________, 20____.

County Clerk and Recorder

By: _________________________________________

Deputy
D. NOISE DISCLOSURE FOR RESIDENCES WITHIN AIRPORT INFLUENCE ZONE (Front Range Airport):

Residences within the Airport Influence Zone (AIZ) should be aware that property within the AIZ may be subject to overflights by commercial, general aviation, and military aircraft, and subject to noise, vibration, exhaust, air and vehicular traffic and other conditions associated with the operation of this airport. The airport is operational 24 hours per day and flights may occur at all hours of the night.

10-105 WAIVER FROM STRICT ENFORCEMENT OF DISTRICT REGULATIONS

The Board of County Commissioners may grant waivers from the strict requirements of the Airport Influence Area District regulations, including in the case of reconstruction of a nonconforming use in an area where relocation of the use or rezoning to a conforming use is not feasible.

10-105.01 TERMS OF WAIVER

The terms of a waiver shall observe the spirit of these regulations, secure public welfare and safety, and do substantial justice, and shall be limited to the extent necessary to prevent depriving the property owner of all reasonable use of the property.

10-105.02 PROCESS FOR WAIVER APPLICATION AND CONSIDERATION

Waivers may be granted after conducting a public hearing following a recommendation the Planning Commission. Public notice of the Planning Commission and Board of County Commissioners hearings shall be given in accordance with the requirements of the Land Development Code. The waiver process may be initiated by application of the property owner or upon the request of the Planning Division Manager, any county commissioner, or may be included within an application for approval of an FDP, SDP or ASP. The Board may elect not to accept more than one waiver applications from the property owner in any 12-month period.

10-105.03 BASIS OF WAIVER

The basis of the waiver may be one or more of the following:

A. Evidence of unique, unnecessary or unreasonable hardships that would occur if the strict letter of the District regulations were enforced and that cannot be satisfactorily mitigated through other means, including appropriate rezoning (decision on variance may be postponed to allow for opportunity to process a rezoning request or to pursue other mitigation efforts).

B. Evidence of irreversible reliance by the applicant on pre-existing terms and conditions of development applicable to the property.

C. Evidence from affected public entities that the failure to obtain a variance is likely to result in a default in the repayment of bonded indebtedness.

D. Evidence of marginal benefit to the public health, safety and welfare that would result by the strict enforcement of the regulations that is out of proportion to the magnitude of the burdens imposed on the property owner.
SECTION 10-200 CENTENNIAL AIRPORT ENVIRONS PLANNING AREA

10-201 GENERAL PROVISIONS

10-201.01 TITLE

These Regulations, as amended from time to time, shall be known as "The Arapahoe County Centennial Airport Environs Planning Area Overlay District Regulations," and are referred to in this document as “these Regulations.”

10-201.02 AUTHORITY

This Section is adopted pursuant to the powers and authority conferred by the laws of the State of Colorado, including but not limited to the following sections of the Colorado Revised Statutes: Article 28 of Title 30 (County Planning, Zoning, Subdivision); and Article 68 of Title 24 (Vested Rights); and all other powers authorized by the Constitution of the State of Colorado, state statutes, and common law including those for the regulation of land uses, land use planning and development, subdivision, environmental protection, police powers, and the power to abate nuisances.

10-201.03 PURPOSE

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

A. Enhance the human and pedestrian scale of nonresidential developments and ensure compatibility between any residential neighborhoods and adjacent nonresidential uses;

B. Insure that the on-going vitality of the Centennial Airport is considered and enhanced in the development of properties within the environs of the airport;

C. Provide for the strengthening of the industrial and commercial base in the vicinity of the airport and opportunities for enhancing the employment base in the western portion of the County;

D. Mitigate negative visual impacts arising from the scale, bulk, and mass of large commercial and industrial buildings and centers; and

E. Minimize negative impacts of on-site activities of industrial and commercial uses to adjacent uses.

10-201.04 APPLICABILITY

10-201.04.01 GENERAL APPLICABILITY

These Regulations apply to the following types of projects within the Centennial Airport Environs Planning Area (CAEPA). All Centennial Airport property is excluded from the CAEPA and is not subject to these standards. The area included in the CAEPA is as shown on Exhibit A.
Chapter 10: Overlay Districts

(“CAEPA Vicinity Map”) attached to and incorporated within these Regulations, unless exempted under Subsection 10-202.04.02 below.

A. All new construction that requires a building permit; and

B. Expansions or enlargements equal to 50 percent or more of existing floor area in a single building, or addition of new floors, including any cumulative expansions or enlargements that meet this threshold based on the floor area in place at the time of adoption of these Regulations.

C. The specific applicability of each provision of these Regulations varies and is dependent on the type of land use proposed, as detailed in subsequent sections of these Regulations. Generally, Section 10-202 applies to development of nonresidential land uses only, and the remaining sections apply to development of all types of land uses.

10-201.04.02 EXEMPTIONS
The following are exempt from the requirements of these Regulations:

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

10-201.04.03 RELATIONSHIP TO EXISTING CODE
These Regulations contains supplemental standards that shall apply in addition to, and not in lieu of, all applicable requirements in the Arapahoe County Land Development Code, as may be amended from time to time, and any regulations promulgated pursuant to the code. The areas within the CAEPA are subject to Section 10-100 Overlay District Airport Influence Area.

10-201.04.04 CONFLICTING REQUIREMENTS
If the provisions of this Section are inconsistent with provisions found in other adopted codes, resolutions, or regulations of the County, this Section shall supersede unless otherwise expressly provided. In the event of conflict, the most restrictive requirement, as determined by the Planning Division Manager or his/her designee, shall control unless otherwise expressly provided, subject to any vested rights then in effect.

10-201.04.05 GRAPHICS AND PICTURES
Graphics and pictures contained in these Regulations are by way of example only and are not substantive requirements. Such graphics and pictures demonstrate one method of compliance with the standards set forth in these Regulations but do not preclude other methods for achieving compliance, subject to approval by the County.

10-201.05 PROCEDURE
Compliance with the applicable provisions of this Resolution shall be reviewed as part of the development plan or site plan review procedures of the County.
Section 10-202 DEVELOPMENT AND DESIGN STANDARDS FOR NONRESIDENTIAL USES

10-202.01 APPLICABILITY
This Section applies to the development of any nonresidential use in the Centennial Airport Environs Planning Area. These standards are in addition to, and not in lieu of, the applicable requirements in the Arapahoe County Land Development Code, as may be amended from time to time, and any regulations promulgated pursuant to such code.

10-202.02 GENERAL STANDARDS FOR ALL NONRESIDENTIAL USES

10-202.02.01 BUILDING DESIGN
A. Four-sided Design Required
Each building subject to these Regulations shall incorporate a similar level of architectural detailing on all sides subject to public view or adjacent properties, not including properties across alleys (See Figure 1). Blank walls void of architectural details or other variation are prohibited. Four-sided design shall be achieved by meeting the Horizontal Articulation and Vertical Articulation requirements below.

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

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

2. If a single-story building has a façade taller than 20 feet, the façade area above 15 feet is subject to the same window requirement as the second-floor requirement in paragraph (5) above if a habitable mezzanine is part of the interior space.

3. Glazing installed under this Section must be maintained without interior or exterior obstructions that limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (excluding window shades or blinds) during hours of business operation.

Figure 2: Examples of Horizontal Articulation

Figure 3: Example of Glazing
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C. Vertical Articulation
Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body must constitute a minimum of 50 percent of the total building height.

D. Entrances
Buildings shall feature visually prominent entrances on the façade facing the principal street. A combination of at least two or more of the following techniques shall be used:
1. Canopy, portico, archway, arcade, or similar projection that provides architectural interest and protection for pedestrians;
2. Prominent tower, dome, or spire;
3. Peaked roof;
4. Projecting or recessed entry;
5. Outdoor features, such as seat walls, landscaping with seasonal color, or permanent landscape planters with integrated benches; or
6. Other comparable techniques.

E. Exterior Building Wall Materials
The following materials are prohibited for use on exterior building walls:
1. Un-textured tilt-up concrete panels;
2. Corrugated metal; and
3. Mirrored or reflective glass, except in limited decorative ways comprising no more than 25 percent of the exterior building walls.

10-202.02.02 PEDESTRIAN AMENITIES
Ground-floor facades that face public streets or other public areas (e.g., outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features along no less than 60 percent of their horizontal length. Pedestrian-oriented design features include, but not be limited to, shaded sidewalks, arcades, entryways, and awnings. Display windows that meet the transparency requirements of Subsection 10-202.02.01 above may be used to meet this requirement.

10-202.02.03 OFF-STREET PARKING AREA
A. All parking spaces shall accommodate full-size vehicles in accordance with the parking design standards contained in the County Land Development Code.

B. Any designated passenger vehicle loading spaces shall be adjacent to the main building entrance and shall be appropriately signed for vehicle loading.

10-202.02.04 SERVICE AREAS
A. Location
Outdoor service areas, including loading docks, refuse collection areas, and similar facilities, shall be located at least 20 feet away from any public street, internal or private drive, sidewalk, internal pedestrian walkway, or building with a residential use (not including a mixed-use building). Trash collection or disposal areas shall not encroach into parking setbacks or required landscape buffers.

B. Screening
Trash enclosures shall be shielded from view by placement within buildings, or by an enclosure of with walls and/or fencing at least six feet in height. Trash storage containers, trash compactors and trash placed in such containers shall not project above
the screening wall or fence. Wall, gates, and fence materials shall be identical to, or shall compliment, the exterior building materials on the primary structure. Trash enclosure gates shall be constructed of metal with screen material or cladding. Additional landscaped berms and plantings may be required to minimize views of service and trash areas.

10-202.02.05 SCREENING OF MECHANICAL EQUIPMENT
All rooftop and grade-level mechanical equipment shall be screened from grade-level view (See Figure 4). Soft water tanks, gas meters, venting, heating and air conditioning units, and electrical meters shall also be screened from public view. Screening shall be part of the articulation of the building and integrated into the building design. All vents greater than eight inches in diameter shall also be screened. Screens shall be at least as high as the equipment they hide, and shall be of a color and material matching or compatible with the dominant colors and materials found on the facades of the primary building.

10-202.02.06 LIGHTING
   A. General Standards
      1. Light sources shall be concealed or shielded with full cut-off light fixtures to minimize the potential for glare and unnecessary diffusion on adjacent property (See Figure 5).

![Figure 4: Example of Screening of Mechanical Equipment](image)

![Figure 5: Examples of full cut-off light fixtures](image)
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2. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of circulation and safety. The average level of illumination within parking lots shall not exceed 15 foot-candles. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. Floodlights shall not be utilized to light all or any portion of a building façade between 10:00 pm and 6:00 am.

3. Unless stated otherwise in these Regulations, in no case shall exterior lighting add more than one foot-candle to illumination levels at any point off site.

4. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

5. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the primary building roofline.

6. No exposed strip lighting used to illuminate building facades or outline buildings, neon tubing, or flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

7. No roof-mounted lighting of any kind shall be allowed.

B. Lighting Exemptions
The following types of lighting are exempt from the requirements of these Regulations:
1. Temporary decorative seasonal lighting provided that individual lamps have a light output of 200 lumens or less.
2. Soffit or wall-mounted luminaries that are permanently attached to residential dwellings, not to exceed the height of the eave.
3. Temporary lighting for emergency or nighttime work and construction.
4. Temporary lighting for theatrical, television, and performance areas, or for special events authorized through a permit.
5. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards: Maximum permitted light post height: 80 feet; maximum permitted illumination at the property line: two foot-candles; and limits on hours of illumination: exterior lighting shall be extinguished no later than 11:00 pm.

10-202.02.07 OUTDOOR STORAGE
The following standards apply to all outdoor storage that is not classified as a mini-warehouse or self-storage facility as defined in these Regulations, whether allowed as a principal use or an accessory use, unless such storage is completely enclosed within a building:

A. No outdoor storage shall be located within 25 feet of the public road right-of-way.
B. No outdoor storage shall be located within 300 feet of any lot line that abuts a residential zone district or residential dwelling unit that existed prior to the establishment of the outdoor storage use.
C. No outside storage area shall encroach into a required setback.
D. All outdoor storage shall be screened from view when the use is visible to the general public from public open space or park lands or from a public right-of-way (including streets, trails, and sidewalks). Screening shall consist of a solid fence or wall at least six
and no more than ten feet in height, notwithstanding any more restrictive provisions contained in the County Land Development Code. Where topographic conditions such as elevated rights-of-way permit visibility over the fence or wall, such visibility shall not be considered a violation of these Regulations. For commercial uses, such fence or wall shall match the colors/materials of the site’s primary building. Chain link fencing, with or without slats, shall not be used to meet screening requirements for any outdoor storage use.

E. Stacks or piles of items shall not project above the fence or wall used to screen the material.
F. No storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water, shall be permitted as part of any outside storage use if such materials exceed applicable fire code requirements.
G. For industrial developments, outside storage areas shall not exceed a percentage of the total site area to be established at the time of site or development plan application review, and shall be typically associated with the specific industrial operation proposed for the building.

10-202.03 ADDITIONAL STANDARDS CERTAIN NONRESIDENTIAL USES

10-202.03.01 GENERAL STANDARDS
The general standards in this section shall apply to development of any of the following uses within the CAEPA area: convenience store, service station (or combined convenience store/service station), vehicle wash facility, fast-food restaurant, mini-warehouse or self-storage facility. Nothing in this Section 10-202.03 shall apply to cause a use existing as of the effective date of these Regulations to be declared a non-conforming use due to failure to meet any of the requirements established by this Section 10-202.03.

10-202.03.02 LOCATION STANDARDS
A. Except as permitted under Section 10-202.03.03. below, no use referenced in Section 10-202.03.01. above may be located within the following areas:
   1. Within 300 feet of the platted right-of-way of the following roads: Arapahoe Road, Parker Road, Broncos Parkway, Easter Avenue, Dry Creek Road, Potomac Street, Chambers Road, Jordan Road, Briarwood Avenue, and Lima Street.
   2. Within 300 feet of a residentially zoned or residentially used property.
B. Except as permitted under Section 10-202.03.03. below, a vehicle wash facility shall not be located within 1,000 feet of an existing and operational vehicle wash facility. No vehicle wash facility shall be located on a corner lot.

C. Except as permitted under Section 10-202.03.03. below, no service station or convenience store shall be located within 1,000 feet of a parcel containing an existing and operational service station or convenience store.

D. Except as permitted under Section 10-202.03.03. below, a mini-warehouse or self-storage facility shall not be located within 1,000 feet of a parcel containing an existing and operational mini-warehouse or self-storage facility.

10-202.03.03 EXEMPTION FROM LOCATION STANDARDS
The location restrictions contained in Section 10-202.03.02. above shall not apply to the development of any of the restricted uses within a planned, mixed-use development that meets all the following criteria:
A. The development contains a total aggregate of at least 50,000 square feet of new and fully enclosed floor area designed, intended, and suitable for commercial retail use; and

B. The development includes four or more separate commercial retail uses other than a vehicle wash facility, convenience store, service station, fast-food restaurant, mini-warehouse, or self-storage; and

C. All structures within the development are designed and constructed in a planned, integrated, compatible, and coordinated manner using the same or substantially identical:
   1. Exterior building materials and colors;
   2. Architectural features and style; and
   3. Lighting and lighting fixtures.

D. All use(s) within the development demonstrate compliance with any applicable County-adopted design standards or regulations for such use(s); and

E. Construction of the vehicle wash facility, convenience store, service station, fast-food restaurant, mini-warehouse, or self-storage facility within the development occurs either:
   (1) following issuance of a building permit(s) for buildings or structures containing at least 20,000 square feet of other commercial retail within the development; or
   (2) at a time or phase of development identified in a written subdivision improvement agreement or development agreement approved by the developer and the County.

F. For purposes of this subsection 10-202.03.03., “commercial retail use” shall mean a use for which the primary and predominant activity is the display and retail sale of goods, merchandise, or services. Notwithstanding the foregoing, “commercial retail use” shall not include:
   1. Automobile, boat, or other vehicle sales for which a use tax may be applicable when such automobile or vehicles are sold to purchasers residing outside of Arapahoe County;
   2. Lumber yards or similar building material businesses;
   3. Vehicle wash facility, convenience store, fast-food restaurant, mini-warehouse, self-storage facility, or service station; and

10-202.03.04 DESIGN AND OPERATIONAL STANDARDS

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

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

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

1. Trash receptacles shall be emptied on a regular basis so as to maintain a clean and orderly appearance.

2. Outdoor display, storage, or sale of merchandise, vehicles, trailers, or other equipment on a permanent, temporary or seasonal basis shall not be permitted for all the restricted uses except auto dealerships, and except that items such as propane tanks and other merchandise not permitted to be stored inside may be located outside of a convenience store. Soda, water and other vending machines shall be placed within a building.

10-202.03.05 CONVENIENCE STORES/SERVICE STATIONS

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

A. Building and Site Design

1. Convenience store or service station must maintain a consistent style and architectural theme. This requirement includes fuel pump canopies, cashier booths, vehicle wash and other accessory structures.

2. A convenience store or service station shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between loading and unloading, trash collection and other facility operations, use of emergency access easements and fire lanes, and pedestrian access. On-site circulation shall be adequate to allow vehicles to stack in a line for fuel dispensing services without using or obstructing any portion of an adjacent sidewalk or right-of-way.

B. Fuel Pump Islands and Canopies

1. Fuel pump islands associated with service stations or convenience stores shall contain no more than two fuel dispensers per island. Convenience stores and service stations shall have a maximum of two fuel pump islands, or four fuel dispensers on a minimum one-half acre lot. One fuel pump island, or two fuel dispensers may be added for each additional 2,000 square feet of lot area, provided that the total number of fuel pump islands shall not exceed four per lot, and the total number of fuel dispensers shall not exceed 16 per lot.

2. Fuel pump canopies shall not serve as the dominant feature on the site or as a sign or an attention-getting device. A canopy over fuel pumps may be erected subject to the following standards:
   a) The canopy may be either attached or detached from the principal building.
   b) The height of the canopy from the ground to the underside of the canopy shall not exceed 18 feet.
   c) The canopy structure shall comply with all minimum building setback standards applicable to the principal structure.
   d) The canopy structure shall not be enclosed.
   e) The canopy shall utilize the same architectural and design treatment, including materials and colors, as the principal building.
   f) A maximum of 25 percent of each canopy façade area visible from a public street may be internally illuminated. No portion of any canopy façade area may be externally illuminated. Each side of a fuel pump canopy shall be considered a separate façade area.
g) Intercom or speaker systems shall not negatively impact adjacent residential uses. Such systems shall be designed to direct the sound away from adjacent residential properties.

h) Fifty percent of the total land area covered by such canopy shall be counted toward any maximum FAR limitation for such use.

C. Building and Equipment Setbacks

1. The minimum lot size for a convenience store or service station shall be one-half acre (21,780 square feet). The principal building of a convenience store or service station shall be set back a minimum of 40 feet from any street right-of-way.

2. Fuel dispensers, fuel pump islands, detached canopies, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from any street right-of-way. Fuel dispensers shall be set back a minimum of 20 feet from any other fuel dispenser located on a parallel pump island, as well as from the primary building and any other building. Such distance shall be measured from pump island to parallel pump island and from pump island to the curb surrounding the building or to the building itself, whichever is closer.

D. Lighting

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

E. Vehicle Wash Facility as an Accessory Use

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

F. Minor Automotive Repair

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

10-202.03.06 FAST-FOOD RESTAURANTS

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

A. Site and Building Design Requirements

1. Drive-in lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls, railings, or hedges at least 36 inches in height.

2. The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.
3. Adequate stacking spaces shall be provided for the drive-through lanes of a fast-food restaurant in accordance with the County Land Development Code. Required stacking lanes shall not block or interfere with site circulation patterns.
4. Customer/employee parking shall be separated from driving activities and customer parking shall be located in the area with the highest accessibility to dining or sales areas.
5. Drive-in displays, ordering areas and parking canopies are permitted but shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.

B. Building and Equipment Setbacks

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

C. Lighting

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

10-202.03.07 MINI-WAREHOUSE OR SELF-STORAGE FACILITIES

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

A. Site Design Requirements

1. No mini-warehouse or self-storage facility shall exceed five acres in size.
2. A self-storage facility shall be completely enclosed with a brick or other masonry perimeter wall of no less than six feet in height.
3. No individual self-storage unit, loading area or other service area shall be visible from any public right-of-way except through openings serving as gates within fencing or where topographic conditions such as elevated rights-of-way will permit visibility over the perimeter wall.
4. Gates shall be designed in a manner to balance the aesthetic compatibility of the self-storage facility fencing materials with the facility security. Colored metal or wrought iron gates designed to enhance the appearance of the facility are encouraged. The use of chain link or barbed wire within the self-storage facility is prohibited.
5. Restroom facilities shall be provided on-site suitable for employee and visitor use.
6. Trash dumpsters shall be provided within the self-storage facility site. Dumpsters shall not be visible from any public right-of-way or if visible, shall be enclosed within a wall similar in design and construction as the perimeter wall.
7. Adequate snow storage areas shall be provided within the property of the self-storage facility. Snow storage areas shall be made accessible and available at all times for the exclusive use of snow storage from October 1 to April 30.
B. Building Design Requirements

1. The architectural design of a self-storage facility shall be harmonious with the character of the surrounding neighborhood and shall integrate neutral colors and tones as the predominant color palate.
2. Flat roofs shall be prohibited. All roofs shall be pitched and sloped to create visual interest. Use of varying roof pitches and slopes is encouraged and, where a self-storage facility is located within 1,000 feet of a residential area, roof pitches and slopes are encouraged to mimic the pitches and slopes of the residential structures.
3. At least 60 percent of the exterior façade of a self-storage facility shall consist of masonry. Masonry shall include brick, stone or integrally tinted, textured masonry block.
4. The use of intense, reflective, fluorescent, or metallic colors on storage unit doors, fencing, roofing, or walls is prohibited. Intense colors include but are not limited to yellow, orange, and red.
5. No self-storage unit within a self-storage facility shall contain electrical outlets for use by tenants of such facility.

C. Access, Circulation, and On-site Parking

1. The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site.
2. Ingress and egress for a self-storage facility shall provide for a hard surface of a minimum of 20-foot width with a radius of 50 feet at all cul-de-sacs or turnarounds for fire and other safety vehicles.
3. Parking areas shall not be located in any loading area of individual self-storage units.

D. Building and Equipment Setbacks

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

E. Operational Requirements

1. Climate-controlled self-storage facilities are permitted. In no event, however, shall a self-storage facility be refrigerated. For purposes of this section, “refrigerated” shall mean maintaining a temperature below 55 degrees Fahrenheit for more than one hour.
2. The self-storage facility shall have a security system requiring the use of cards, keypads, keys or similar security devices limiting access to tenants and to fire, police, and emergency service officials when required.
3. Self-storage units shall be used solely for the purpose of storage of goods and possessions and shall not be used for conducting or operating a business, hobby, or any type of activity not related to the storage of personal property.
4. No self-storage unit shall be used for the storage of explosives, ammunition or hazardous or flammable materials and the operator/owner of a mini-warehouse or self-storage facility shall include such requirement in its written agreement with each tenant.
5. No outdoor storage is permitted on the site of the mini-warehouse or self-storage facility.
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10-202.03.08 VEHICLE WASH FACILITIES
The following additional requirements shall apply to the development and operation of any vehicle wash facility within the CAEPA area, whether allowed as a primary use or as an accessory use to a convenience store or service station.

A. Water Conservation Requirements
1. Any vehicle wash facility that obtains a Certificate of Occupancy or a Temporary Certificate of Occupancy after the effective date of these Regulations shall be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than 50 percent of the water being used by such car wash installation.
2. Any vehicle wash facility operator that has obtained a Certificate of Occupancy or a Temporary Certificate of Occupancy prior to the effective date of these Regulations shall be required to install, and maintain in operation, a water recycling system that will recycle not less than 50 percent of the water as a condition of any permit granted by the County, or any water service district within the County, to:
   a. Enlarge the water tap, meter, or service line in any such vehicle wash facility; or
   b. Demolish, destroy or remove and then replace more than 50 percent of the gross square footage of the floor area of the vehicle wash facility building as it exists on the effective date of these Regulations, except for the purpose of replacing under floor heating equipment, or
   c. Expand the gross square footage of the floor area of the vehicle wash facility building by more than 50 percent of the square footage of the vehicle wash facility building as it exists on the effective date of these Regulations.
3. An applicant for a convenience store or service station with an accessory vehicle wash facility proposed for construction after the effective date of this Resolution, shall submit its Final Development Plan for review to the applicable water and wastewater providers to insure appropriate and safe provision, use and discharge of water into the wastewater system and shall provide the County with evidence of its submittal to and response by the applicable water and wastewater providers.

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

C. Building and Equipment Setbacks
A vehicle wash facility shall be set back a minimum of 40 feet from any adjacent streets. Accessory equipment such as vacuum facilities shall be set back a minimum of 20 feet from any adjacent street. Vehicle wash facilities shall meet the side and rear setbacks required by the underlying zone district or development plan, as applicable.
D. Access, Circulation, and On-site Parking
   1. Access points and driveways shall be planned and shared between properties to the greatest extent possible, and access easements shall be noted on the final development plan.
   2. Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the vehicle wash facility in accordance with Section 10-204.03 below.
   3. The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.
   4. If accessory vacuuming facilities are provided, a minimum of one parking space for each vehicle capable of being serviced at any one time at such vacuum facility shall be provided. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.
   5. In addition to any parking requirements for employees and wash bays set forth in the County Land Development Code, each car wash bay of a vehicle wash facility shall have the following vehicle stacking capacity for vehicles waiting to be serviced:
      a. Three stacking spaces for each bay in a self service vehicle wash facility.
      b. Six stacking spaces for each in-bay or conveyor vehicle wash facility.

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

10-202.03.09 AUTOMOBILE OR VEHICLE SALES USES
A. Location Standards
   The following location restrictions apply to automobile or vehicle sales uses (new or used): an automobile or vehicle sales use shall not be located within 1,500 feet of the platted right-of-way of Arapahoe Road, Parker Road, Broncos Parkway, Easter Avenue, Dry Creek Road, Potomac Street, Chambers Road, Jordan Road, Briarwood Avenue, and Lima Street.

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

10-203 LANDSCAPING

10-203.01 APPLICABILITY
   All development in the CAEPA area shall comply with the following standards, which are in addition to, and not in lieu of, the applicable requirements in the Arapahoe County Land Development Code, as may be amended from time to time, and any regulations promulgated pursuant to such code.

10-203.02 XERISCAPING/WATER CONSERVATION

10-203.02.01 DROUGHT-TOLERANT PLANT MATERIALS
   A minimum of 50 percent of the plant materials used to meet applicable landscaping requirements shall be on the approved drought-tolerant plant list as set forth in this Land Development Code.
10-203.02.02 WATER CONSERVATION TECHNIQUES
Three or more of the following water conservation materials/techniques shall be incorporated in all required landscaped areas:

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

10-203.03  LANDSCAPING INSIDE PARKING AREAS

10-203.03.01 MINIMUM PERCENTAGES
A. Parking lots containing 20 or more spaces shall landscape a minimum of 10 percent of the total land area used for parking.
B. Parking lots with fewer than 20 parking spaces shall landscape a minimum of five percent of the total land area used for parking.

10-203.03.02 LANDSCAPE ISLANDS
A. Landscape islands shall be a minimum of 80 square feet (measured back of curb to back of curb) and have a six-inch vertical curb on all sides (See Figure 6).
B. Plant materials selected for use at the perimeter of landscape islands shall be limited to ground covers or other low-growing species that are capable of withstanding occasional foot traffic.

10-203.03.03 PARKING BAY SEPARATION
No more than two parking bays may occur without a landscape buffer of at least 12 feet in width. Landscaped islands shall be provided at both ends of each parking bay.
10-203.03.04 PERIMETER PARKING AREA LANDSCAPING
A. Except where a landscape buffer is otherwise required pursuant to the County code, parking area edges shall be screened from public streets and sidewalks, public open space, and adjacent properties by one of the following methods:
1. A berm no more than three feet high with a maximum slope of 3:1 in combination with stands of evergreen trees, canopy shade trees, ornamental trees and/or shrubs;
2. A low continuous landscaped hedge at least three feet high consisting of a double row of shrubs planted three feet on center in a triangular pattern; or
3. A decorative masonry wall at least three feet high in combination with landscaping; or
4. A combination of any of these methods.
B. Fences and walls in buffer areas shall be no more than six feet in height, with the finished side of the fence facing out.

10-203.04 BUILDING FOUNDATION LANDSCAPING
Barring documented soil difficulties, a minimum of ten percent of required trees and shrubs must be located within ten feet of the primary building foundation along any facade visible from streets, residential uses, or public lands. Foundation plantings may be clustered to provide interest and accent key features such as building entries.

10-204 CONNECTIVITY
10-204.01 APPLICABILITY
All development in the CAEPA area shall comply with the following standards, which are in addition to, and not in lieu of, the applicable requirements in the Arapahoe County Land Development Code, as may be amended from time to time, and any regulations promulgated pursuant to such code.
Private driveway or public street connections shall be provided to all existing private driveways or public streets on adjacent sites, or stub-outs if through-connections are not feasible (See Figure 7). Local street connections spaced at intervals not to exceed 600 feet along each boundary abutting adjacent land for future street connections to adjacent developable parcels shall also be provided.

**10-204.03 PEDESTRIAN CONNECTIONS**

**10-204.03.01 CONNECTIONS AND RELATED REQUIREMENTS**

A. All development shall provide a network of on-site pedestrian walkways with a minimum width of six feet to and between the following areas; for example, sidewalks adjacent to a public street shall be connected to all publicly used entrances, all off-street parking areas, all sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development, and any transit-related facilities as described below:

1. Public entrances to each building on the site, including pad site buildings;
2. Parking areas;
3. Sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development;
4. Sidewalks adjacent to a public street; and
5. Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.

B. Pedestrian-level, bollard lighting not exceeding three feet in height, ground-mounted lighting or other low, glare-control fixtures mounted on building or landscape walls shall be used to light pedestrian sidewalks and walkways. Pedestrian areas shall be illuminated to a minimum of one foot-candle. Pedestrian lighting required by this section shall meet all lighting standards contained in Section 10-202.02.06 of these Regulations.

C. Bicycle access from the development site shall be provided to any existing or designated sidewalks, bike paths, or bike lanes located adjacent to the development.

D. Connections shall be made at points necessary to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations located within the adjacent neighborhood(s). In order to provide direct pedestrian connections to these adjacent destinations, the County may require additional sidewalks, walkways, or bike paths not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway. Major pedestrian destinations include, but are not limited to, residential subdivisions, schools, parks, open space, recreational facilities, neighborhood shopping, employment, recreation or community centers, public or civic uses, and institutional uses such as religious assembly.

E. Pedestrian walkways and crosswalks shall be identified through the use of one or more of the following methods:

1. Changing paving material, patterns, or paving color;
2. Changing paving height;
3. Decorative bollards;
4. Painted crosswalks; or
5. Raised median walkways with landscaped buffers.
Exhibit A is not to scale in this document – please request a map to scale.
Section 10-300 STRASBURG BUSINESS/COMMERCIAL OVERLAY DISTRICT

10-301 TITLE

These Regulations, as amended from time to time, shall be known as “Strasburg Business/Commercial Overlay District” and are referred to in this document as “these Regulations.”

10-302 SPECIFIC PURPOSE AND INTENT

A. The Strasburg Business/Commercial Zoning Overlay District is intended to provide development opportunities within original Strasburg for a mix of community-serving and visitor-serving retail, office, business service, civic/public, and residential uses consistent with the Strasburg Sub-Area Plan of the Arapahoe County Comprehensive Plan as adopted in May of 2002. It is the County’s intent with this overlay zoning to encourage the continuing evolution, maturation and redevelopment of the Strasburg Business/Commercial Downtown geographic area, consistent with the adopted Strasburg Sub-Area Plan.

B. The overlay is intended to apply to the properties created with the 1910 Map of Strasburg south of Colfax Avenue, the town’s traditional and original business/commercial center. District standards are intended to recognize the existing mix of uses, absence of building setbacks from property lines, the use of public street parking due to limited on-site parking and landscaping, and to encourage new development and redevelopment compatible with and respectful of the existing building scale and small town character of the community.

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

10-303 LOCATIONAL CRITERIA

A. The Business/Commercial Overlay District applies only to the Map of Strasburg land area, the excluded one-half of original Block 3, and the unplatted lots east of Wagner Street and south of Colfax Avenue. A map of the overlay area is included as Exhibit A and made a part hereof. The area is constrained by the past transfer of all or portions of the old town lots by separate deeds, limited or non-existent public street and alley improvements beyond street paving, and the constraints of Colfax Avenue/State Highway 36 on the north and the Union Pacific Railroad right-of-way on the south.

B. The Business/Commercial Overlay District is located within the designated Growth Area Boundary for the Town of Strasburg. The overlay is consistent with the intent and policies within the Strasburg Sub-Area Plan. The nature and location of the overlay and the allowed uses will not create or exacerbate commercial strip development patterns along Colfax Avenue in the Town
C. Notwithstanding the purpose and intent of the overlay, nothing herein shall prohibit any property owner from making application for a Mixed Use – Planned Unit Development on any property located within the overlay area.

10-304 EFFECT OF THE INTERNATIONAL BUILDING CODE REQUIREMENTS

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

10-305 PRINCIPAL PERMITTED USES

The following land uses are Principal Permitted Uses within the Business/ Commercial Overlay District:

A. General, executive, professional, and business offices,
B. Financial institutions, including drive-through facilities,
C. Medical, dental offices and clinics,
D. Veterinary offices and clinics for large and small animals,
E. Residential dwelling units, including detached, attached, and stacked multi-family units, including second-story multi-family units above office and retail uses,
F. Appliance, furniture, and carpet stores,
G. Automobile, truck, farm equipment and implement sales/ service/ and repair, including the indoor auto and truck bodywork and painting,
H. Bowling alley, pool hall, skating rink, health club, or similar indoor recreational use,
I. Building materials sales yards not including asphalt and concrete plants,
J. Department store, hardware store, dry good store, ranching and farm supply store,
K. Beauty salon, barber shop, health and beauty spa, and similar personal service establishments,
L. Convenience store, with or without the retail sales of fuel/ gasoline/ alternative fuels,
M. Night clubs, taverns, bars,
N. Special trade contactors, heating, electrical, printing shops, and plumbing supply wholesale and retail sales and services, including equipment yards and company vehicle storage,
O. Hotels and motels,
P. Specialty retail sales, antique stores and gift shops,
Q. Dry cleaning and commercial laundries,
R. Commercial bakery, creamery, bottling plants, wholesale businesses including warehousing and materials and company vehicle storage,
S. Heavy equipment repair and fabrication conducted indoors.
T. Uses not specifically listed above may be permitted if, in the opinion of the Zoning Administrator, they are similar in character and use to permitted uses and conform to the intent of the zoning overlay.

10-306 ACCESSORY USES

The following land uses are Accessory Uses in the Business/ Commercial Overlay District;

A. Buildings and structures customarily appurtenant to permitted uses,
B. Structure, roof, or building-mounted CMRS facilities, subject to the limitations of the section on Commercial Mobile Radio Service.
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10-307 SPECIAL EXCEPTION USES

The following land uses are Special Exception Uses within the Business/Commercial Overlay District:

A. Over-height Commercial Mobile Radio Service (CMRS) freestanding towers, public and private freestanding communication towers.
B. No other Special Exception Uses identified at this time.

10-308 USES BY SPECIAL REVIEW

The following land uses are Uses by Special Review within the Business/Commercial Overlay District:

A. 24-hour convenience retail/service operations,
B. Vehicle washing (car wash) facilities including self-service and tunnel operations,
C. Quasi-public uses including places of worship, fraternal organization meeting halls, and public meeting halls,
D. Type B group home,
E. Day care centers.

10-309 DEVELOPMENT STANDARDS

The following maximum and minimum development standards shall apply:

A. Maximum building and structure height – 35 feet
B. Minimum unobstructed open space for attached and/or multi-family dwelling units – 30 percent
C. Minimum unobstructed open space for business, commercial, retail and industrial uses - none
D. Minimum building and structure setbacks from property lines for non-residential uses:
   Front/ street – None
   Street side (siding onto a public street) – None
   Interior side – As allowed by the International Building Code (IBC) for occupancy
E. Minimum parking setback from property lines for non-residential uses – None
F. Minimum building and structure setbacks from property lines for residential uses:
   Front/ street – 10 feet
   Street side (siding onto a public street) – 10 feet
   Interior side and rear lot line – As allowed by the International Residential Code (IRC) for occupancy.

10-310 ON AND OFF-SITE PARKING REQUIRED

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

10-311 OPERATIONAL AND PERFORMANCE STANDARDS

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

10-312 CHANGE OF USE

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

10-313 PLANNED UNIT DEVELOPMENT REGULATIONS SHALL APPLY

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

10-314 NEW CONSTRUCTION PROCESS REQUIREMENT

New construction for the same use or for a new use that would expand or enlarge the gross building area as listed above shall make application for and obtain approval of a Subdivision Development Plan as listed in this Land Development Code.

10-315 OTHER REQUIREMENTS

Unless specifically listed above, all other requirements of the Arapahoe County Land Development Code shall apply to new construction and development within this overlay district.

10-316 SUBDIVISION OF LAND

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

[10-317 EXHIBIT A – STRASBURG BUSINESS/COMMERCIAL ZONING MAP – see next page]
Section 10-400  OVERLAY DISTRICT VOIED/DE-ANNEXED/DISCONNECTED LAND

10-401  INTENT

A. To accommodate land areas in Arapahoe County that have been located within the boundaries of a municipality and have either been disconnected from said municipality by Final Court Decree pursuant to Sections 31-12-119, or 31-12-603, or 31-12-704 C.R.S. (“Disconnection Land Area”) or have become unincorporated areas as the result of a Final Judgment entered declaring an annexation void pursuant to Section 31-12-117 C.R.S. (“De-annexation Land Area”).

B. To establish the zoning rights of a landowner of any voided or disconnected or de-annexed land within the unincorporated area of Arapahoe County so that said landowner can continue
development upon the voided, disconnected or de-annexed land area under the provisions of C.R.S. 30-28, as amended.

C. To facilitate the orderly transition of lands, currently regulated within the incorporated limits of a municipality, into unincorporated Arapahoe County for the purpose of being regulated by the laws and regulations of unincorporated Arapahoe County.

10-402 GENERAL PROVISIONS

A. The boundary of any officially recognized “Voided/De-annexed/Disconnected Land” Overlay District shall be as it appears on the Zoning Map and/or other documents approved by the Planning Commission and/or Board of County Commissioners.

B. There shall be no minimum land area required for a voiding, de-annexation or disconnection from a municipality, which parcel is attempting to establish zoning and subdivision requirements within unincorporated Arapahoe County.

10-403 SPECIFIC PROVISIONS

A. Upon receipt of a Final Court Decree and/or Final Judgment, as appropriate, or upon notice from a landowner whose parcel has had its annexation voided, and after the initial public hearing as described below, a voided, de-annexed or disconnected parcel’s landowner shall apply for rezoning, subject to the regulations and procedures in these Regulations, if required.

B. The PWD Building Division shall issue no building permits and/or certificates of occupancy unless and until the voided, de-annexed or disconnected land has met the requirements of these Regulations, if required.

C. A voided, de-annexed or disconnected landowner’s application for rezoning and/or subdividing shall be reviewed as to compliance with the Arapahoe County Comprehensive Plan, as amended, if required.

D. The Board of County Commissioners may grant an exemption to the requirements outlined above, subject to the following criteria being met: the Board determines that the zoning and/or subdivision regulations and/or any other regulation governing the parcel prior to its being voided, de-annexed or disconnected complies with the stated objectives of these Regulations, and with State Statutes. Such determination of compliance is conducted in a public hearing, as described below.

10-404 PROCEDURES

A. An applicant for a “petition for zoning hearing consideration” for a voided, de-annexed and/or disconnected parcel shall submit a letter to the PWD Planning Division requesting a hearing before the Board of County Commissioners to determine whether the zoning and/or subdivision regulations and/or any other regulations governing the parcel within the municipality comply with Section 202 of this Section. Such letter shall fully describe the existing and proposed regulations affecting the parcel of land. In addition, copies of all zoning and/or subdivision regulations in effect prior to the voiding, de-annexation or disconnection of said parcel shall accompany the letter.
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B. Upon receipt of the letter, a public hearing will be scheduled with the Planning Commission as soon as possible after a twenty (20) day period, allotting the twenty (20) days to a review of the documents by agencies deemed appropriate to the PWD Planning Division and for publishing and posting requirements. Upon receiving a recommendation from the Planning Commission, the request shall be scheduled for a Board of County Commissioners hearing.

C. At the public hearing, the Board of County Commissioners may render a decision on whether the County accepts the zoning and/or subdivision regulations and/or any other regulations governing the parcel within the municipality. If the County does not accept those regulations as being appropriate for development within unincorporated Arapahoe County, the provisions of Section 202 of this Section shall apply.
CHAPTER 11: NONCONFORMITIES

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CHAPTER 11: NONCONFORMITIES

Section 11-101  Intent
The intent of this Section is to recognize that within zoning districts established by this Code there exist land, uses of land, structures, and uses of structures that were lawful before this Code was adopted or amended, but which would be prohibited, regulated, or restricted under the provisions of this Code. Accordingly, except as authorized by this chapter, nonconformities shall not be enlarged, expanded, increased, used as grounds for adding other structures or uses now prohibited in the same zoning district.

Section 11-102  Types of Nonconformities Regulated
The regulations of this chapter address the following types of situations, all of which are collectively referred to as “nonconformities.”

11-102.01 Nonconforming Uses
Uses that were legally established but that no longer comply with the zone district regulations of this Code that apply within the zoning district in which the use is located are referred to as “nonconforming uses.”

11-102.02 Nonconforming Structures
Buildings and structures, not including signs, that were legally established but that no longer comply with the dimensional standards that apply within the zoning district in which the building or structure is located are referred to as “nonconforming structures.”

11-102.03 Nonconforming Land
A. A parcel of land, designated on a duly recorded plat, or by a duly recorded deed, or by other lawful means, that complied with the lot area, lot width, and other dimensional standards of the zoning district in which it was located at the time of its creation, but that does not comply with the minimum lot area, minimum width, or other dimensional requirement of the zoning district in which it is now located, is referred to as “nonconforming land.”
B. This provision shall apply even though such parcel fails to meet these Regulations’ requirements for area, width, or both, that are applicable in the given zoning district. However, all minimum yard requirements as set forth in the applicable zoning district shall apply to such parcel(s), unless a variance is obtained from the Board of Adjustment. No variance to the minimum lot area for any parcel may be obtained.

11-101.04 Nonconforming Signs
Signs that were legally established but that no longer comply with the sign regulations of the Land Development Code are referred to as “nonconforming signs.”

11-102.05 Reserved – Nonconforming Development Standards
Section 11-103  General Provisions

11-103.01 Determination of Nonconformity Status
The owner, and not the County, has the burden of establishing that a nonconformity lawfully exists.

11-103.02 Nonconformities Must Be Legal
Any use, structure, and/or parcel of land that was used, erected, or maintained in violation of any previous Zoning Regulations shall not be considered as a legal, nonconforming use, structure and/or land, and shall be required to comply with all provisions of this Code.

11-103.03 Previous Approvals May Continue
A. Nothing in this section shall be interpreted to require a change in plans, construction, or designated use of any building, land, or structure for which a building permit or other development approval was lawfully obtained from the County prior to the effective date of adoption or amendment of this Code, provided the development, construction, or use is commenced and completed according to the applicable permit or approval terms.

B. The Planning Manager may, for good cause shown, grant an extension of up to one (1) year to complete the development, construction, or establishment of the use under the terms of the previous Land Development Code.

C. If the building or structure is not completed, or the use established, within the time allowed under the original permit or approval, or any extension granted, then the development, building, structure or use may be constructed, completed, established, or occupied only in compliance with this Land Development Code.

11-103.04 Change of Tenancy or Ownership
Changes of ownership, tenancy, or management of an existing nonconformity shall be permitted, and in such cases the nonconforming situation shall continue to be subject to the standards of this chapter.

11-103.05 Repairs and Maintenance
A. General Rule
Repairs and normal maintenance required to keep nonconforming uses and structures in a safe condition shall be permitted, provided that no alterations shall be made except those allowed by this Chapter or required by law or ordinance. Such repairs and maintenance shall not exceed fifty percent (50%) of the current replacement cost of the nonconforming structure or a structure devoted to a nonconforming use. Substantial repairs that exceed fifty percent (50%) of the current replacement cost of a nonconforming structure or structure devoted to a nonconforming use shall not be made except in conformance with this Code.

B. Compliance Required if Non-Repair Results in Safety Hazard
If a nonconforming structure, or a portion of a structure devoted to a nonconforming use, becomes physically unsafe or unlawful due to a lack of repairs and maintenance and is declared by an authorized county official to be unsafe or unlawful by reason of physical
condition, it shall thereafter be restored, rebuilt, or repaired only in conformity with the regulations of the zoning district in which it is located.

11-103.06 Damage or Destruction

Should a nonconforming structure or portions thereof be damaged or destroyed by any means, or be declared unsafe by the Department of Public Works and Development to an extent of more than fifty percent (50%) of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this Code. If the reconstruction cost and/or area of reconstruction (whichever is less) is less than or equal to fifty percent (50%), the structure may be strengthened or restored to a safe condition provided the original nonconformity is not enlarged, increased, or extended, and construction is commenced within six (6) months after obtaining the required building permit(s), unless the Planning Manager grants an extension of time.

11-103.07 Nonconformities Created by Public Action

When lot area, lot width, or setbacks are reduced as a result of land conveyance to a federal, state, or local government for a public purpose, and the remaining area is at least seventy-five percent (75%) of the required minimum standard for the zoning district in which it is located, then that lot or parcel of land shall be deemed to be in compliance with the minimum lot area, lot width and setback standards of this Code.

Section 11-104 Nonconforming Uses

Nonconforming uses shall be subject to the following provisions:

11-104.01 Alteration/Extension of Nonconforming Uses Require Site Plan Approval

A. Except as expressly allowed by this chapter, alteration, extension, or enlargement of a nonconforming use shall not be allowed except with the County’s approval of a Site Plan according to this Land Development Code, and subject to this chapter’s regulations.

B. Extension of a nonconforming use shall require full compliance with the provisions of all Arapahoe County building and safety codes and this Land Development Code, including but not limited to, installation of site improvements, parking, street improvements, and screening/enclosure of outdoor storage. If full compliance with one or more development standards is not possible, the applicant may apply for a variance or amend the Preliminary Development Plan or Final Development Plan according to the procedures and criteria stated in this Land Development Code.

C. “Alteration,” “extension,” or “enlargement” shall mean to enlarge or replace a structure containing the nonconforming use or to enlarge the area of nonconforming use to additional buildings or areas of a building or parcel except as otherwise provided in this chapter, or to change the use to any use other than a lawful use, and includes new construction remodeling that adds any additional space.

11-104.02 Relocation

A nonconforming use shall not be moved in whole or in part to any other portion of such parcel, or to another lot, unless the use will be in conformance with all applicable use-related regulations of this Code.
11-104.03 Discontinuance and Abandonment

If a nonconforming use is discontinued or abandoned for a period of more than six (6) months, a subsequent use shall conform to the provisions of this Code and amendments, unless the Board of County Commissioners grants an extension of time.

11-104.04 Accessory Uses

No use that is accessory to a principal nonconforming use shall continue after the principal nonconforming use ceases to exist.

Section 11-105   Nonconforming Structures

Nonconforming structures shall be subject to the following provisions:

11-105.01 Enlargement

A structure conforming as to use, but nonconforming as to height, setback, or other dimensional standard, may be altered or extended provided that the alteration or extension does not result in a new violation of this Code and does not increase the extent of the existing nonconformity (e.g., does not further decrease a side setback that is already less than the minimum required by this Code). If full compliance with one or more development standards is not possible, the applicant may apply for a variance or amend the Preliminary Development Plan or Final Development Plan according to the procedures and criteria stated in this Land Development Code.

11-105.02 Relocation

Nonconforming structures shall not be moved unless the movement or relocation will bring the structure into compliance or closer to compliance with applicable dimensional standards.

Section 11-106   Nonconforming Land

Nonconforming parcels of land shall be subject to the following provisions:

11-106.01 Limited Use of Nonconforming Parcels of Land Allowed

This Code specifies minimum lot area, width, and setback/yard requirements within each zoning district for the purpose of creating “building envelopes” in which construction can occur on any parcel in the unincorporated areas of Arapahoe County. It is the intent of this provision to allow construction of a permitted principal use and customary accessory structure(s) on any parcel that was of record before this Code was adopted or amended, unless such parcel was created in violation of State of Colorado Senate Bill 35 (Subdivisions) or this Land Development Code. This provision shall apply even though such parcel fails to meet this Code’s requirements for lot area, width, or both, that are applicable in the given zoning district. However, all minimum setback/yard requirements as set forth in the applicable zoning district shall apply to such parcel(s), unless a variance is obtained from the Board of Adjustment. No variance to the minimum lot area for any parcel may be obtained.
CHAPTER 12 SPECIFIC REGULATIONS

12-100 Areas and Activities of Special Interest
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SECTION 12-100 AREAS AND ACTIVITIES OF SPECIAL INTEREST

12-101 GENERAL PROVISIONS AND PROCEDURES

12-101.01 APPLICABILITY
The following regulations pertain to areas and activities of special interest which have been identified or as may be identified as such in the County Comprehensive Plan.

12-101.02 PROCEDURAL REQUIREMENTS

12-101.02.01 Anyone proposing to begin development of an activity of special interest or development in an area of special interest shall submit to the platting process as outlined in the County Subdivision Regulations and shall further submit all other evidence as required by the applicable special area or activity regulations included in this Section of these Regulations. No person shall engage in any special development activity or develop in any area of special interest without approval of a Final Plat and/or Final and Master Development Plan, Location and Extent or Use by Special Review Plan, whichever may be applicable.
12-101.02.02
Hearings conducted for the purpose of approving development activities or development in areas of special interest shall be held in public following public notice of such meetings.

12-101.02.03
Any development activity which is to take place in an area not currently zoned for such activities shall also submit to the rezoning procedures outlined in these Regulations.

12-101.03 PROVISIONS
The provisions of this Section shall not apply to any nonconforming use existing prior to the date the area is identified or subjected to these Regulations, provided that when such nonconforming use shall be discontinued for six months or more or a nonconforming structure is damaged or destroyed to the extent of at least fifty percent (50%) of the appraised value, any reuse, reconstruction or replacement of such structure shall be deemed a new use and shall be subject to the provisions of these Regulations, unless the Board of County Commissioners grants an extension of time.

12-101.04 ALTERATIONS
Any alteration, addition or repair to any nonconforming structure or significant change in land use permitted pursuant to various sections of this regulation shall be designed to minimize, mitigate or avoid the significant adverse impact of specific hazards or specific resource utilization.

12-101.05 ADDITIONAL REGULATIONS
Additional regulations regarding nonconforming uses may be further delineated in specific special area and activity regulations to follow.

12-102 RELATIONSHIP TO OTHER REQUIREMENTS
A. Nothing in these regulations shall be construed as exempting an applicant from any other requirements of Arapahoe County or other state or federal laws and regulations.
B. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

12-103 APPLICATION FEE
An application fee shall be established by the Board of County Commissioners and paid to PWD.

12-104 REGULATIONS FOR AREAS OF SPECIAL INTEREST - MINERAL RESOURCE AREAS
12-104.01 PURPOSE AND INTENT
The purpose and intent of the regulations contained in this section shall be to:

12-104.01.01 Protect and administer mineral resource areas in such a manner as to permit the extraction and exploration of minerals therefrom, unless extraction and exploration would cause significant danger to public health and safety.

12-104.01.02 Permit development in mineral resource areas which will not interfere with the extraction and exploration of minerals.

12-104.01.03 Give preference to existing or requested uses other than mineral extraction if the economic value of the minerals present is of less value than those of other uses.
12-104.01.04  
Administer areas containing sand, gravel, quarried rock, aggregate or limestone used for construction purposes according to §34-1-301, et seq., C.R.S. as amended.

12-104.01.05  
Administer areas containing coal, oil and natural gas deposits.

12-104.01.06  
Accomplish extraction and exploration of minerals from any area in a manner which causes the least practicable environmental disturbance and reclaim such surface areas disturbed thereby in accordance with the provisions of §34-32-101, et seq., or §34-40-101, et seq., C.R.S. as amended, whichever is applicable.

12-104.01.07  
Prevent landslides, floods or erosion due to mineral extraction operations.

12-104.01.08  
Preserve access to and extraction of mineral resources according to a rational plan for extraction of such resources.

12-104.01.09  
Provide, during the mining process and after the mining operations have been completed, for the reclamation of land subjected to surface disturbance by mining and thereby conserve natural resources, aid in the protection of wildlife, aquatic, historic and archaeological resources and establish recreational, residential and industrial sites.

12-104.01.10  
Extract commercial mineral deposits according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the environment and quality of life of the citizens of Arapahoe County.

12-104.01.11  
Protect and perpetuate the taxable value of property.

12-104.01.12  
Protect and promote the health, safety and general welfare of the people of Arapahoe County.

12-104.02  
PERMITTED USES IN IDENTIFIED MINERAL RESOURCE AREAS

12-104.02.01  
Agricultural uses such as general farming, grazing, truck farming, forestry, sod farming and wild crop harvesting.

12-104.02.02  
Public and private recreational uses requiring only accessory, but not permanent structures such as parks, natural swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges and hunting, fishing and hiking areas.
12-104.03 PROHIBITED USES IN IDENTIFIED MINERAL RESOURCE AREAS

12-104.03.01 No use shall be allowed which would interfere with the present or future extraction of such deposits by an operator, provided that uses may be allowed which do not permit erection of permanent structures upon or otherwise permanently preclude the extraction of commercial mineral deposits by an operator from land subject to said uses, unless such is allowed by approval of the Board of County Commissioners.

12-104.03.02 Uses which create a significant impact on the surrounding area, unless mitigated pursuant to Section 12-104.03.03, below.

12-104.03.03 Land uses which will create a significant impact on the surrounding area and which are generally prohibited in an identified mineral resource area may be allowed if it is determined that those impacts will be alleviated through the use of mitigation techniques. These include but are not limited to:

A. Measures which will lessen potential dangers to health, safety, economy or resources to an acceptable level.
B. Measures which will offset increased costs of providing any governmental services.
C. Measures which will insure that air and water pollution resulting from development will meet applicable federal and state standards.
D. Measures which will restrict noise and/or obnoxious odors to within the development.
E. Measures which will prevent hazardous traffic patterns resulting from development of the site.

12-104.03.04 To the extent that a proposed use is not covered by Section 12-104.03.03 above, the provisions of 34-1-301 et seq., C.R.S. as amended or 34-32-101 et seq., C.R.S. as amended, shall apply.

12-104.04 DESCRIPTION OF IDENTIFIED MINERAL RESOURCE AREAS

12-104.04.01 Arapahoe County hereby declares that the areas identified or to be identified, upon application for development within these areas, shall be subject to these Mineral Resource Regulations.

12-104.04.02 One copy of all maps of identified mineral resource areas in unincorporated Arapahoe County shall be sent to the Colorado Geological Survey.

12-104.05 SUBMITTAL REQUIREMENTS

All applicants seeking to engage in development in a mineral resource area shall submit the following documents:

12-104.05.01 When applicable, the name, address and phone number of the corporation’s registered agent.

12-104.05.02 Ownership of the mineral rights affected.

12-104.05.03 Aerial photographs of reasonable scale and date which reasonably portray the current condition of the area to be covered by the development application. The area covered by the development shall be outlined on the aerial photographs.
12-104.05.04
Type and location of mineral resources on or under the property.

12-104.05.05
An analysis of the commercial feasibility of extracting the mineral resources.

12-104.05.06
A map or maps portraying the geologic conditions of the area with particular attention given to the appropriate identified mineral resource deposit. If appropriate or needed, subsurface cross sections shall also be utilized to portray such conditions at depth. If possible, the maps shall be at the same scale and in the same format as the development plan maps.

12-104.05.07
An analysis of the fiscal impacts on local services and facilities.

12-104.05.08
A statement that the applicant will comply with all relevant federal, state and local requirements existing at the time the plan is to be implemented.

12-104.05.09
Descriptive material showing the relationship of the proposed development to existing master plans for the area involved.

12-104.05.10
Applicants seeking to engage in development of a mineral resource area without the intention of exploration or extraction of minerals also shall submit to the PWD Planning Division the number of copies requested as determined by referral needs containing the necessary information, maps, reports and/or data:

12-104.05.11
If the development is a subdivision, data equivalent to that required for a Preliminary and/or Final Plat by the County Subdivision Regulations.

12-104.05.12
Evidence that the development plan will present no obstacle to extraction of the mineral resource on or under the subject property or evidence that the proposed development will be of a greater economic value than the minerals present.

12-104.06 EXHIBIT REQUIREMENTS
Applicants seeking to engage in development of a mineral resource area with the intention of exploration or extraction of minerals shall also submit to the PWD Planning Division the number of copies requested as determined by referral needs containing the following information, maps, reports and/or data:

A. When applicable, the name, address and phone number of the corporation’s registered agent.
B. Ownership of the substance to be mined.
C. The source of the applicant’s legal right to enter and mine on the land affected.
D. Method of extraction and processing.
E. Plan for transportation of extracted material.
F. Time and duration of extraction.
G. Number of permanent and temporary employees anticipated.
H. The size of the area or areas to be worked at any one time.
I. The timetable which will be required for the various stages of the operations.
J. Anticipated traffic volumes and directional distributions related to the development.
K. An analysis of any potential health and/or safety hazards occasioned by the development, and a plan for mitigation thereof.

L. A description of wildlife occurrence on and in the vicinity of the application area including a narrative that describes:
   1. Wildlife occurrence in the area.
   2. Seasonal occurrence of the major species.
   3. The presence of threatened/endangered species listed on either federal or state lists.
   4. The impact of the operation on the wildlife with regard to displacement of wildlife and extent of replacement of suitable habitat for the post-operational wildlife that might inhabit the area.

M. A narrative, supplemented with diagrams and text, of the water resources on and in the vicinity of the application area shall be submitted. Such narrative shall include:
   1. Both surface and subsurface resources.
   2. A description of the impact of the operation on the quality and quantity of water resources.
   3. Demonstration of water right ownership to supply any necessary water requirements for operations or impoundment’s, whether temporary or permanent.
   4. Data acquired for other permits which would fulfill these requirements may be submitted in lieu of the above.

N. Accompanying the development plan, every operator shall submit a reclamation plan and map.

O. The reclamation plan shall be based upon provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the operator. The plan shall be based upon the advice of technically trained personnel experienced in that type of reclamation on mined lands and upon scientific knowledge from research in reclaiming and utilizing mined lands. Reclamation shall be required on all the affected land.

P. The reclamation plan shall include a narrative describing:
   1. Which of the approved uses the operator proposes to achieve in the reclamation of the affected land; why each use was chosen; and the amount of acreage accorded to each.
   2. How the reclamation plan will be implemented to meet performance standards.
   3. A proposed timetable indicating when and how the various stages of the mining and reclamation plan shall be implemented.
   4. How the reclamation plan shall rehabilitate the surface disturbances affected by the mining operation. The narrative shall include, but not be limited to, the following factors: natural vegetation, wildlife, water, air and soil resources.

Q. The map accompanying the reclamation plan shall include all of the land to be affected by all phases of the mining operation. It shall indicate the following:
   1. The expected physical appearance of the area to be mined and the area of land affected, correlated to the timetable.
   2. Portrayal of the proposed reclaimed land use for each portion of the affected lands.
   3. The applicant’s estimated costs of each of the following segments of the reclamation process, including where applicable: backfilling, grading, highwall reduction, topsoiling (if done), planting, revegetation management and protection prior to vegetation establishment, and administrative costs.

R. The application shall also include maps showing the following information:
   1. Identification of adjacent underground mining and adjacent surface owners.
   2. Wells, roads, railroads, buildings, oil and gas wells and lines, and power and communication lines in the area of affected land and within two hundred feet of all boundaries of such area.
   3. Total area involved in the operation, including the area to be mined.
   4. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application.
   5. General type, thickness and distribution of soil over the area covered by the development application.
6. Type, character and density of present vegetation occurring in the area covered by the development application.
7. Depth and thickness of the mineral resource to be mined and the thickness and type of overburden to be removed.
8. Topography of any aquifers in the area to be covered by the development application, both before and after the mining operation occurs, shall be shown by cross sections.

S. Applications for development in identified mineral resource areas shall include additional information if required by Arapahoe County.
T. At the discretion of the Board of County Commissioners, favorable recommendation from appropriate state agencies regarding development in mineral resource areas may be considered sufficient evidence for waiving portions or all of the extra submission requirements imposed by these regulations.
U. When two or more mineral resource areas overlap, the recommendations of the State Oil and Gas Conservation Commission shall have precedence over those of other agencies if the area has been previously identified as an oil or gas resource area.

12-104.07 Map Requirements
Unless otherwise specified above, the following map standards will be adhered to:
A. All data shall be drawn on 24" x 36" sheets.
B. Maps will be in compliance with national map accuracy standards.
C. Topographic maps shall have a contour interval of two feet (2') or less.
D. Map scale shall be sufficiently detailed to meet the objectives of this regulation, but in no case less detailed than 1 inch = 100 feet.
E. All maps shall show a true north arrow, section corners, and the appropriate land grid, the name of the person who prepared the map, the map scale and the date the map was prepared.
F. One of the copies of each map shall be in reproducible form.

12-104.08 Qualification of Investigators
A. All geologic maps and reports required under the requirements of this regulation shall be prepared by or under the responsible direction of and signed by a professional geologist as defined by §34-1-201, et seq., C.R.S. as amended.
B. All engineering work required under the requirements of this regulation shall be prepared by or under the responsible charge of a registered professional engineer as defined in §12-25-101, et seq., C.R.S. as amended. Such engineer shall also be experienced and competent in the engineering specialty required to meet the objectives of this regulation.

12-105 GEOLOGIC HAZARD AREAS
12-105.01 PURPOSE AND INTENT
The purpose and intent of this section is:
A. To minimize significant hazards to public health, safety or property in an identified geologic hazard area.
B. To promote safe use of geologic hazard areas.
C. To reduce the impact of geologic hazards on life and property by:
   1. Prohibit certain land uses that are dangerous to life or property in geologic hazard areas.
   2. Restrict the land uses that would be hazardous to the public health, safety or property in geologic hazard areas.
   3. Restrict the land uses that are particularly vulnerable to geologic hazards so as to reduce the demands for public expenditures for relief and protection.
4. Require land uses permitted in geologic hazard areas, including public facilities which serve such uses, to be protected from geologic hazards by providing for investigation and avoidance or mitigation of such hazard impacts at the time of initial construction.

5. Protect geologic hazard area occupants or users from the impacts of geologic hazards by regulating the area or manner in which structures designed for human occupancy may be constructed so as to prevent danger to human life or property.

6. Protect geologic hazard area occupants or users from the impacts of geologic hazards by identifying, delineating and describing areas that could be adversely affected by geologic hazards so as to protect individuals from purchasing or improperly utilizing lands for purposes which are dangerous to human life or property.

7. Protect the public from the burden of excessive financial expenditures from the impacts of geologic hazards and relief by:
   a) Regulating land uses within geologic hazard areas so as to produce a pattern of development of a soundly engineered manner of construction which will minimize the intensity and/or probability of damage to property and loss of life or injury to the inhabitants or users of geologic hazard areas.
   b) Regulating the cutting, filling or drainage changes and other man-made changes which could initiate or intensify adverse conditions within geologic hazard areas.
   c) Encouraging non-conflicting uses such as agriculture, grazing, greenbelt, open space and recreation within geologic hazard areas.

12-105.02 PERMITTED USES IN IDENTIFIED GEOLOGIC HAZARD AREAS
The following uses shall be permitted within identified geologic hazard areas unless they are prohibited in a particular area by these Regulations or other regulations. However, no such use shall be regarded as a use by right:

A. Agricultural uses such as general farming, grazing, truck farming, forestry, sod farming and wild crop harvesting.

B. Industrial or commercial uses such as loading areas, parking areas not requiring extensive grading or impervious paving, and storage yards for equipment or machinery easily moved or not subject to geologic hazard damage.

C. Public and/or private recreational uses not requiring permanent structures designed for human habitation such as parks, natural swimming areas, golf courses, picnic grounds, driving ranges, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, and hunting, fishing and hiking areas, if such uses do not cause concentrations of people in areas during periods of high hazard probability.

12-105.03 PROHIBITED USES IN IDENTIFIED GEOLOGIC HAZARD AREAS
12-105.03.01 Land uses which are dangerous to life or property in identified areas of geologic hazard.

12-105.03.02 Any type of development in an identified area of moderate and/or extreme expansive soil potential, unless mitigation techniques are incorporated into the design of the proposed development.
12-105.04 CONDITIONAL USES IN IDENTIFIED GEOLOGIC HAZARD AREAS

12-105.04.01 Land uses which are generally prohibited in an identified area of moderate and/or extreme expansive soil potential may be permitted if the following mitigation techniques are carried out:

12-105.04.02 Mitigation techniques shall correct adverse conditions within moderate and/or extreme expansive soil and rock areas through engineered design and construction. These methods should include:

A. Engineered foundation design.
B. Planned site drainage or moisture control.
C. Landscaping to enhance drainage.
D. Proper interior construction design.

12-105.05 DESCRIPTION OF IDENTIFIED OR REGULATED GEOLOGIC HAZARD AREAS

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

12-105.06 SUBMITTAL REQUIREMENTS

A. Anyone proposing to develop land in an identified expansive soils area shall be required to submit a thorough soil engineering study conducted by a registered professional soil engineer to determine expansive soil potential at the time of the Preliminary Plat submittal as described in the County Subdivision Regulations.

B. The soils study shall include a minimum of one (1) test boring for every ten (10) lots or three (3) acres in the development with a minimum of one (1) sample per boring tested for swell. Some test borings may be deferred until later; however, the above requirements shall be met by the time of Final Plat submittal.

C. The report shall also include a description of the engineering design and construction mitigation techniques that will correct the adverse conditions within moderate and/or extreme expansive soil areas.


SECTION 12-200 GRADING, EROSION AND SEDIMENT CONTROL REGULATIONS

12-201 General Provisions and Procedures

12-201.01 Purpose and Intent

12-201.02 Applicability

12-202 Procedural Requirements

12-203 Other Requirements

12-204 Review and Acceptance

12-205 Relationship to Other Standards

12-206 Amendments and Revisions

12-207 Enforcement Responsibility
12-201 GENERAL PROVISIONS AND PROCEDURES

12-201.01 PURPOSE AND INTENT
   A. Arapahoe County is required by State and Federal law to develop and implement a storm water management program.
   B. As articulated in the Comprehensive Plan, Arapahoe County will maintain a balance between growth and the natural environment, facilitate expansion of diverse economic development opportunities, conserve natural areas and environmental quality, and treat residents fairly in the process of making land use decisions.
   C. Arapahoe County is committed to protecting water and soil resources and ensuring that public and private infrastructure development and maintenance that may affect water and soil resources are performed in an environmentally sound manner.
   D. Arapahoe County has developed a permitting process for certain grading, erosion and sediment control activities on construction projects and other applicable land disturbance within unincorporated Arapahoe County. This permitting process is established in the Arapahoe County Grading, Erosion, and Sediment Control Manual (GESC Manual).
   E. This GESC Manual is incorporated into the County’s Land Development Code by reference and made a part of these regulations. This manual, and any amendments or revisions, describes the permitting process, procedures and practices that have been adopted to promote environmentally sound construction and maintenance practices in the County. These procedures and practices are intended to be consistent with the requirements of mandated State and federal enabling statutes, regulations and rules.
   F. The goal of the GESC Permit Process is to implement effective grading, erosion and sediment control Best Management Practices (BMPs) as a standard for all land disturbance activities as outlined in the GESC Manual and to administer these regulations in a manner that respects and is consistent with property rights otherwise granted by law.

12-201.02 APPLICABILITY
   A. These Regulations shall apply to all property within the unincorporated areas of Arapahoe County.
   B. No land disturbance shall occur on any property, unless otherwise exempted via provisions in the GESC Manual without first obtaining a GESC permit from the County. Such permit is subject to all applicable fees.
   C. Persons proposing to conduct regulated land disturbance activities must apply for a GESC permit. Persons proposing to construct a temporary batch plant must apply for a Temporary Batch Plant GESC permit. A GESC permit shall be obtained prior to the start of the land disturbing activities even if a Federal or State agency or other jurisdiction has approved the project and issued a permit.
   D. The Projects that require a GESC permit and the Projects that do not require GESC permit are described in the GESC Manual, as amended. All land disturbing activities shall comply with the provisions of the GESC Manual. Even if a Project is exempt from GESC permitting, BMPs shall still be required for any clearing, grading, or land disturbing activities in accordance with the standards set forth in the GESC Manual, as amended.

12-202 PROCEDURAL REQUIREMENTS
   A. Anyone proposing an activity requiring a GESC permit, as described in the GESC Manual, shall submit the required information as detailed in the GESC Manual, along with all applicable permit fees. No person shall engage in any regulated land disturbance activity without
first obtaining a GESC permit. A GESC permit must be issued prior to or concurrent with the issuance of a building permit.

B. Any development activity which is to take place in an area not currently zoned for such activities shall also submit to the rezoning procedures outlined in these Regulations.

12-203 OTHER REQUIREMENTS

A. All property owners shall provide construction Best Management Practices (BMPs) to ensure that existing soils are retained on their site, and are not deposited or discharged onto adjacent properties.

B. Final landscaping or established vegetation shall be provided within a specified period of time as defined in Section 12-1400, Landscaping Regulations and the GESC Manual.

C. Both the Single-Family Lot Erosion Control Certificate and the Drainage Certificate, as described in the GESC Manual, as amended, shall be required prior to issuance of Certificate of Occupancy for all single-family residential structures within platted subdivisions through the Building Permit process.

12-204 REVIEW AND ACCEPTANCE

The County will review all GESC Plan submittals for general compliance with the criteria in the GESC Manual. Acceptance by the County does not relieve the owner or designer from responsibility of ensuring that calculations, plans, specifications, construction, and as-built drawings are in compliance with the criteria contained herein. Additionally, acceptance by the County does not alleviate the owner or designer from complying with all other applicable Federal, State, or local regulations.

12-205 RELATIONSHIP TO OTHER STANDARDS

A. Nothing in these regulations shall be construed as exempting an applicant from any other requirements of Arapahoe County or other State or Federal laws and regulations.

B. If any Federal or State law or regulation imposes stricter criteria, standards or requirements, these shall be considered for incorporation into the County’s requirements after proper notice and public hearing(s).

C. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

12-206 AMENDMENTS AND REVISIONS

The GESC Manual may be amended and revised from time to time by the Board of County Commissioners, following the recommendation of the PWD Director or Planning Commission.

12-207 ENFORCEMENT RESPONSIBILITY

A. The Board of County Commissioners, acting through the PWD Director, shall enforce the provision of these regulations.

B. Failure to comply with any term, condition, limit, deadline or other provision of the GESC Manual or GESC permit or the failure to obtain a GESC permit as required by these regulations constitutes a zoning violation subject to enforcement action by the County.

SECTION 12-300 SIGN REGULATIONS
12-300 Sign Regulations

12-301. Intent

This Section is designed to provide regulations for the erection and maintenance of signs. The general objectives of these regulations are to enhance the health, safety, welfare and convenience of the public and to achieve the following:

A. To promote the safety of persons and property by providing that signs not create a hazard due to collapse, fire, collision, decay or abandonment, and do not create traffic hazards by confusing or distracting motorists, by impairing the driver’s ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.

B. To promote the efficient communication of sign messages that provide information most needed and sought by the public, and to ensure that persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore those messages according to the observer’s purpose.

C. To protect the public welfare and to enhance the appearance and economic value of the landscape by protecting scenic views. In addition, signage shall not create a nuisance to persons using the public right-of-way, and shall not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, or height.

D. To preserve and promote the visual and aesthetic quality of the county in order to enhance citizen’s quality of life, provide a favorable investment climate, and implement the goals of the County’s adopted comprehensive plan.

E. To serve as general guidelines for the administration of signs through the Planned Unit Development process on rezoning and/or Detailed Development Plan applications, such as a Specific Development Plan.
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F. To comply with all federal and state laws promoting freedom of speech and expression and content-neutral regulation of signs, as interpreted by relevant court decisions.

12-302. General Requirements

A. A sign permit shall be required from the PWD Building Division for all signs exceeding six (6) square feet in area, unless otherwise exempted by regulations within this 0. In addition, a sign permit shall be required at any time the sign area is increased, and any time a static message sign is converted to an electronic message sign, or vice versa. Applications for sign permits shall be made to the Arapahoe County Department of Public Works and Development. Upon receipt of such application the Department shall act on the application within sixty (60) days of the date of receipt of the application.

B. Freestanding signs permitted by these regulations shall be no taller than six (6) feet to the top of the sign structure, unless otherwise permitted.

C. All requests for a sign permit shall be accompanied by a drawing that is fully dimensioned, showing the sign structure and message, and a site plan showing the location, setbacks, height and sign area of all proposed and existing signage.

D. Sign permit fees shall be established by the Board of County Commissioners and paid to the PWD Building Division.

E. Signs within PUDs shall comply with the provisions set forth within the General and/or Specific Development Plan for the parcel, as approved and/or amended by the Board of County Commissioners or otherwise as provided under the Land Development Code. However, these Sign Regulations shall govern if the General and/or Specific Development Plans do not address provisions required by these regulations (i.e., permits, prohibited signs, definitions, etc.).

F. These regulations recognize other regulations pertaining to signage, such as the State of Colorado, Department of Highways, “Rules and Regulations Pertaining to Outdoor Advertising,” effective January 1, 1984, as may be amended. Where any provision of these regulations cover the same subject matter as other regulations, the more restrictive regulation shall apply.

G. Sign Area Measurement
   1. Area to be Measured
      The structure or bracing of a sign shall be omitted from the measurement unless the structure or bracing is made part of the message or face of the sign. Where a sign (including but not limited to an awning sign) has two display faces placed back to back, the area of only one face shall be included in determining the area of the sign.
   2. Sign With Backing
The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the display surface or face of the sign including the frame, backing, face plates, nonstructural trim or other component parts if not used for support.

3. Signs Without Backing

The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the limits of each letter, word, written representation (including any series of letters), emblems, logos or figures of similar character including the frame, face plates, nonstructural trim or other component parts if not used for support.

4. All Other Signs or Combinations of Signs

The area of any sign having parts both with and without backing shall be measured by determining the total area constituting the smallest single perimeter enclosing the limits of either of the following combinations:

(i) The display surface or face of the sign including all frames, backing, face plates, nonstructural trim: or

(ii) Other component parts not otherwise used.

H. Illumination and Color

Illuminated signs shall be by illuminated by lighting internal to the sign. If this is not possible, the source of illumination shall be shielded and shall not cause glare on adjacent properties. Top of Building Signs located on office and industrial buildings shall not be illuminated after 10 p.m. or before 6 a.m.

I. Public Right-of-Way

All signs erected in public rights-of-way by the federal, state, or local government or by a public agency authorized by the federal, state, or local government for the purpose of controlling or directing the traveling public shall be exempt from the provision of these Regulations.

J. Maintenance

Signs and sign structures shall be maintained by their owners at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust, or loosening. Signs shall be able to safely withstand the maximum wind pressure for the area in which they are located. The County Building Inspector shall have the authority to order the repair, alteration, or removal of a sign or sign structure which constitutes a hazard to life or property. In the event that such a sign has not been removed, altered, or repaired within thirty (30) days after written notification from the Director of PWD or a designated representative, or the County Zoning Administrator or a designated representative, the County shall have the authority
to remove said sign or structure at the expense of the owner of the premises on which the sign is located, without liability to the County.

12-303. **Signs Not Required To Obtain Permits**
The following types of signs are allowed without need to first obtain a sign permit from the County:

A. Any official and legal notice issued by, or any sign or notice required to be installed by, any government, public body, person, officer, or court in performance of a public duty or in giving any legal notice.

B. Any interior sign located within an activity and/or structure and not visible from a public right-of-way or adjacent property.

C. Any tablet, plaque, or cornerstone etched or carved into or onto buildings.

D. One sign per building surface that does not exceed two (2) square feet in size and does not project more than six (6) inches from the building surface.

E. Any temporary sign erected for a period not to exceed ninety (90) consecutive days in a calendar year, that does not exceed six (6) square feet in size and does not exceed four (4) feet in height on any lot or property where the primary use is a single-, two-, or multi-family residential structure. These temporary signs shall not be required to meet the minimum yard setback requirements of the districts in which they are located, but shall not impair visibility for traffic movement.

F. Any temporary sign erected for a period not to exceed ninety (90) consecutive days in a calendar year, that does not exceed thirty-two (32) square feet in size, and that does not exceed four (4) feet in height on any property where the primary use is agricultural, commercial or industrial. These temporary signs shall not be required to meet the minimum yard setback requirements of the zoning districts in which they are located, but shall not impair visibility for traffic movement.

G. Temporary site or building decorations that are displayed for a period of not more than sixty (60) consecutive days and not more than sixty (60) days in any one year.

H. Any sign that is located on a lot where the primary use is commercial or industrial, that is oriented primarily for viewing by persons travelling within the lot (and not from a public street or right-of-way), that does not exceed ten (10) square feet in size and does not exceed four (4) feet in height. The signs allowed under this paragraph shall not be required to meet the minimum yard setback requirements of the zoning district in which they are located, but shall not impair visibility for traffic movement.

I. Flags that are located on a lot where the primary use is single-, two-, or multifamily residential structure(s) and that do not exceed twenty (20) square feet in size and are mounted on a pole that does not exceed thirty-five (35) feet in height or the maximum height permitted in the zoning district in which the lot is located, whichever is less.
J. Flags that are located on a lot or parcel where the primary use is agricultural, commercial, or industrial and that do not exceed fifty (50) square feet in size and are mounted on a pole that does not exceed fifty (50) feet in height or the maximum height permitted in the zoning district in which the lot or property is located, whichever is less.

12-304. Signs Prohibited in All Districts
The following types of signs are not permitted in any zoning district in unincorporated Arapahoe County:

A. Signs on which a message appears on more than two (2) faces.

B. Signs constituting a traffic hazard.
   No person shall install or maintain or cause to be installed or maintained any sign that simulates or imitates in size, color, lettering, or design any traffic sign or signal, or that includes any other words, phrases, symbols and/or characters that may interfere with, mislead or confuse traffic or otherwise create a traffic hazard.

C. Signs on public property.
   Signs are prohibited on any street, median, island, parkway, sidewalk utility pole, tree, traffic control sign post, traffic signal, any other official traffic control device, within or projecting over any public road right-of-way, or on or projecting over any other public property without the approval of the government or public entity that owns or regulates traffic or activities on that public property, except that signs on bus benches and transit shelters that conform with this Section 12-300 shall be permitted.

D. Obscene or unlawful materials.
   It shall be unlawful for any person to exhibit, post or display, or cause to be exhibited, posted, or displayed upon any sign, anything of an obscene nature, or unlawful activity (as defined by the Colorado Revised Statutes, as amended, or as interpreted by the courts of the State of Colorado or the United States).

E. Signs on doors, windows, or fire escapes.
   No sign shall be installed or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape, except those signs required by other codes or ordinances.

F. Animated or moving signs.

G. Interior and/or exterior signs visible from a public right-of way consisting of any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating or otherwise animated light are prohibited, however this does not include electronic message boards that comply with this Chapter 12-300.

H. General outdoor advertising signs.
Signs for the purpose of general outdoor advertising of products or services not located on the lot or parcel where the sign is located, unless approved by the Board of County Commissioners pursuant to the Land Development Regulations.

I. Vehicle signs.
   Any automobile truck, or other vehicle that is wrapped or coated with materials or is decorated to be used and placed on a property as a sign or any trailer whose primary use is to convey a visual message rather than to transport persons, animals, or goods and is placed on a property to be used as a sign.

J. Flags, banners or other devices designed or allowed to wave, flap or rotate with the wind that do not comply with Sections 12-303.I, 12-303.J, 12-306.05, 0, and/or 12-306.07.

K. Signs in proximity to utility lines.
   No sign shall be constructed or maintained that has less horizontal or vertical clearance, or that is located within any required easement width, from authorized communication or energized electrical power lines, than that required by the laws of the State of Colorado and regulations duly promulgated by agencies of the state or electric utilities authorized to serve Arapahoe County.

L. Portable signs that are not permanently affixed to any structure on the site or permanently mounted to the ground.

M. Any signs emitting sound.

N. Roof-mounted signs or signs which project above the highest point of the building.

O. Signs attached to a building which project perpendicularly from the building a distance of more than eighteen (18) inches.

P. Signs attached parallel to the wall of a building, but mounted more than eighteen (18) inches from the wall.

12-305. On-Premise Signs

A. For lots and parcels on which the primary use is agricultural or residential, the following on-premise signs shall be allowed:
   1. One (1) sign per dwelling that does not exceed two (2) square feet in area. No permit is necessary for this type of sign.
   2. One (1) temporary sign per primary structure containing a residential dwelling that is not a multifamily dwelling, that does not exceed six (6) square feet in area, that does not exceed four (4) feet in height (including posts), and that is not illuminated. These signs shall not be required to meet minimum yard setback requirements of the zone district in which they are located, but shall not impair visibility for traffic movement. No permit is necessary for this type of sign.
   3. Temporary signs on vacant lots or parcels of land, provided that the total surface area of all such signs (does not exceed one hundred (100) square feet per lot or
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parcel, provided that the total surface area of any one sign does not exceed fifty (50) square feet, and provided that the signs are set back at least ten (10) feet from the property boundaries and the public right of way.

4. One (1) temporary sign per street frontage on each lot containing a primary structure with a multifamily or non-residential use, provided that the total surface area of each sign does not exceed thirty-two (32) square feet per face (a maximum of two (2) faces are permitted for each sign) and does not impair traffic visibility.

B. In Agricultural zoning districts A-E and A-1, one additional sign per permitted use, accessory use, special exception use or use by special review shall be permitted per street frontage, provided the total surface area of such signs does not exceed fifty (50) square feet per lot or parcel.

C. One (1) sign located at each entrance to a residential from an adjacent public street, provided that the surface area of each sign does not exceed forty (40) square feet, the maximum height of such signs shall not exceed six (6) feet, and the signs are located so as not to impair vehicular visibility.

D. Temporary signs located at the entrance to an approved subdivision where dwelling units are under construction or approved to be constructed; provided that no more than one sign is located adjacent to each street abutting the subdivision and that the total surface area of each sign face do not exceed thirty-two (32) square feet. This type of sign shall be located at least ten (10) feet from the public right of way, but otherwise shall not be required to meet minimum yard setback requirements of the zoning district in which it is located and shall not remain erected after the last dwelling unit is sold, rented or leased.

E. One (1) temporary sign per model home within an approved residential subdivision, provided that the surface area of each sign does not exceed sixteen (16) square feet. Such signage shall be located at least ten (10) feet from the public right of way, and shall not remain erected after the last model home is sold, rented or leased.

12-306. General Provisions - All Uses

12-306.01. Fascia Signage Message Heights.
The maximum height of fascia messages shall be determined by measuring the distance between the nearest adjacent public right-of-way and the location of the fascia upon which the fascia sign is to be placed, at the rates shown in the table below. Up to 10 percent of the width of the fascia may be occupied by message content up to one and one-half (1 ½) times the maximum height of the message height shown in the table below.

<table>
<thead>
<tr>
<th>TABLE 4-11.1 MESSAGE HEIGHT FOR SIGNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distance from R-O-W (feet)</td>
</tr>
<tr>
<td>---------------------------------</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

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12-306.02. **Fascia Signage Maximum Sign Area and Location.**
The maximum allowable sign area for any fascia sign shall be measured by multiplying the permitted letter height by two-thirds the length of the fascia or building elevation upon which such sign is placed, provided, however, that no fascia sign shall exceed 200 square feet, unless otherwise stated in this Section 0 (see, sections 12-307, 12-308, and 12-309 of these Sign Regulations for additional limitations). In cases where a property user has two structures, one of which is accessory, whether attached or not, and more than one structure faces the same adjacent public right-of-way, only one of the structures will be permitted fascia signage. Fascia signage shall not be permitted to be placed above the first floor elevation for the structure upon which it is placed, unless otherwise specifically permitted in this Section 0. Fascia signs may be placed on commercial buildings in only two locations: (1) the space between the top of storefronts and the second finish floor and, (2) Top of Building Signs (as defined in these Regulations). Fascia signs shall not overlap or cover features of the building, such as cornices, eaves, windows, door frames, columns and other decorative elements.

12-306.03. **Top of Building Sign Locations.**
Top of Building Signs may not be located on building elevations adjacent to residential zoned property. Top of Building Signs shall not be visible from residences located within one-half mile of the building.

12-306.04. **Additional Freestanding Signs.**
Up to two (2) freestanding signs per access to a public right-of-way shall be permitted for each lot or parcel, or for contiguous lots or parcels under common ownership or control, provided that the included property contains at least ten (10) acres in land, the primary use of the property is institutional, commercial, or industrial, or a combination of such uses, each allowed additional sign does not extend more than six (6) feet above ground level, and the total surface area of each sign does not exceed forty-eight (48) square feet per sign face.

12-306.05. **Banners.**
Banners shall be allowed and shall be limited to a total of one (1) banner sign not exceeding fifty (50) square feet in area per business, organization, or tenant. Banners for properties where the primary use is a multi-family structure(s) shall not exceed one (1) fifty (50) square foot banner per street frontage. Banners shall be securely mounted to wall or structure on the premises. Banners may be allowed on fencing for projects currently
under construction. Banners are never allowed to be freestanding. Banners must be
maintained in good repair at all times. These Banners may be authorized through an
application for temporary use permit in accordance with this Land Development Code.

12-306.06. Flag Banners/Feather Flags.
Flag banners/feather flags shall be allowed at a rate of two per business, organization, or
tenant, provided that each banner and feather flag does not exceed twenty (20) square feet
in area, does not exceed ten (10) in height, is placed in a landscaped area, is set back at
least ten (10) feet from each public right-of-way, and does not impede sidewalk pedestrian
traffic. Flag banners/feather flags shall not be placed in any public right-of-way. These
Flag banners/feather flags may be authorized through an application for temporary use
permit in accordance with this Land Development Code.

12-306.07. Flags or banners on light poles.
Flags may be installed interior to a development, or banners may be attached to existing
light poles interior to a development, provided that the flag or banner is not on or
overhanging a public right-of-way and provided that the flag or banner does not exceed
fifteen (15) square feet in size. These flags or banners may be authorized through an
application for temporary use permit in accordance with this Land Development Code.

12-306.08. Electronic Message Boards
The information displayed on the sign face must be a complete message, thought and/or
advertisement and shall be shown in its entirety at one time. No message shall visible on
the sign face shall require a change in words, devices, symbols, etc. or additional words,
devices, or symbols, etc., to complete its message or meaning. At no time may the sign
face flash, blink, rotate or change. The sign face may not be changed more than once
every five (5) minutes and may include multiple colors. The entire display must be turned
off while the sign face is being changed. Lighting shall conform to chart below:

A. Candela per square meter shall mean a unit of measurement referring to the
illumination of exposed LED (light emitting diode) lighting and also referred to as
nits.

B. The intensity of the LED display shall not exceed the levels specified in the table
below:


### TABLE 4-11.2 LED DISPLAY INTENSITY

<table>
<thead>
<tr>
<th>Color</th>
<th>Daytime</th>
<th>Nighttime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red only</td>
<td>3,150</td>
<td>1,125</td>
</tr>
<tr>
<td>Green only</td>
<td>6,300</td>
<td>2,250</td>
</tr>
<tr>
<td>Amber only</td>
<td>4,690</td>
<td>1,675</td>
</tr>
<tr>
<td>Full color</td>
<td>7,000</td>
<td>2,500</td>
</tr>
</tbody>
</table>

#### 12-307. Specific Provisions - Office And Industrial Uses

12-307.01. **Single Tenant Office Building**

An office building containing a single tenant shall be allowed a maximum of three (3) fascia signs. The tenant shall be allowed to place more than one fascia sign on a building elevation (up to the maximum of three fascia signs), but in no event shall the total square footage of fascia signage placed on any one building elevation exceed sixty-four (64) square feet. Only one (1) Top of Building Sign per elevation is permitted. One (1) freestanding sign per street frontage is permitted.

12-307.02. **Multi-Tenant Office Building**

An office building containing more than one tenant shall be allowed fascia signage and Top of Building signage at the same rate as permitted for the single tenant office building. Two (2) freestanding signs per street frontage are permitted.

#### 12-308. Specific Provisions - Hotel and Hospital Uses

12-308.01. **Fascia Signage**

Hotels and hospitals shall be permitted a maximum of three (3) fascia signs. The total square footage of fascia signage per building elevation shall not exceed one hundred twenty (120) square feet or the square footage of the allowable letter height times one-half (1/2) the length of the building elevation containing the fascia sign, whichever is less.

12-308.02. **Freestanding Project Identification Sign**

One (1) freestanding sign per street frontage shall be permitted provided that the sign does not exceed six (6) feet in height, nor forty-eight (48) square feet per face.

#### 12-309. Specific Provisions - Retail Uses

12-309.01. **Single Tenant Retail Buildings**

A building containing one retail tenant shall be allowed a maximum of three (3) fascia signs and one freestanding sign. The freestanding sign shall not exceed six (6) feet in height, nor forty-eight (48) square feet per face.
12-309.02. **Multi-Tenant Retail Buildings**
A building containing more than one retail tenant shall be permitted one fascia sign per entrance. Each tenant is allowed one fascia sign per storefront facing a public and/or private right-of-way. If the primary entrance to a multi-tenant retail building does not face a public right-of-way and if the rear of said building does not have an entrance but does face a public right-of-way, the rear fascia of the tenant’s lease space may contain a fascia sign. Such fascia sign square footage shall not exceed one-half (1/2) of the size of the fascia sign located above the primary entrance to the lease space.

12-310. **Specific Provisions – CMRS Facilities**
Commercial Mobile Radio Service Facilities (CMRS) shall be permitted only the signs allowed under Section 12-303 except as otherwise regulated by the use specific standards for CMRS facilities in Sections 12-1100. Owners/Operators are encouraged to provide emergency maintenance response information.

12-311. **Off-Premise Signs**

12-311.01. **Bus Stop or Transit Shelter**
Bus stop or transit shelter signs shall be permitted in all zoning districts, and shall not be larger than the bench on which they are placed. At any officially recognized public bus or transit shelter, no more than one (1) bench or transit shelter may be placed within the public right-of-way following issuance of applicable County permit. However, a maximum of two (2) bus benches shall be permitted at any officially recognized public bus stop located along a designated arterial roadway. Complaints registered by adjacent property owner and/or a homeowners association regarding the condition or maintenance of the sign (but not its content) may be cause for removal of the bus bench or transit shelter and/or its advertising. This paragraph does not authorize advertising on buildings or light rail stations.

12-311.02. **Off-Premise Signs**
Off-premises signs are permitted in B-3, B-4, B-5, I-1, and I-2 zoning districts subject to the Use By Special Review procedure, provided that these signs meet the following criteria.

A. Any off-premise sign shall meet the required accessory use setbacks for the zoning district in which it is located.

B. Off-premise signs shall not extend more than six (6) feet above ground level and shall not exceed forty-eight (48) square feet in sign area per face.

C. The minimum distance between off-premise signs shall not be less than three hundred (300) feet.

D. Permits for off-premise signs shall be approved for periods of one (1) year each, which may be renewable.
E. The State of Colorado Department of Transportation (CDOT) has adopted “Rules and Regulations Pertaining to Outdoor Advertising Effective January 1, 1985,” pursuant to the Colorado Revised Statutes (C.R.S., 43 -1-401 et seq., as amended). On all properties within the unincorporated portions of Arapahoe County that abut Interstate 25 (I-25) and other state highways (Highway 83, Arapahoe Road, etc.), these State Highway Regulations, to the extent that they are more restrictive and comply with all requirements of state and federal law, are recognized to be in full force and effect and supersede these regulations.

12-312. Billboards
Billboards, because of their size, design, visual impact along public roadways and potential interference with public safety, are permitted only in B-3, B-4, B-5, I-1, and I-2 districts, and are subject to the Use By Special Review procedure outlined in these Land Development Regulations, and to the following:

A. Billboards proposed to be erected on property abutting right-of-way for the Interstate or State Highway system require sign permit approval from the CDOT and the Public Works Department Building Division, or as may be required by federal and/or state laws.

B. The maximum sign area permitted for a billboard shall be three hundred (300) square feet per sign face, the maximum height of any billboard shall be thirty-five (35) feet above ground level, and the location of each billboard shall not impair traffic visibility. If there are two (2) sign faces they must be placed back-to-back on the same structure.

C. No billboard shall be located less than five hundred (500) feet of any other billboard.

D. No billboard shall be located within five hundred (500) feet of any residentially zoned property in any jurisdiction measured in a straight line in any direction from the nearest point on the sign structure to the residential zoning district boundary.

12-313. Nonconforming Signs

12-313.01. General Provisions
Section 12-301, Intent, describes an intended direction for the administration of signs in Arapahoe County. In order to reach those objectives, the eventual termination of signs that do not conform to these Regulations is both reasonable and desirable.

12-313.02. Continuance of Nonconforming Signs
Except as provided in Section 12-313.03 below, any nonconforming sign may be continued in operation and maintained after September 30, 2011 (the effective date of this Section); provided, however, that no such sign shall be changed in any manner that increases the nonconformance of such sign with the provisions of this Section 12-313; and provided that the burden of establishing a sign to be nonconforming under this Section 12-
313 rests entirely upon the person(s), firm, or corporation claiming a nonconforming status for a sign.

12-313.03. **Termination of Nonconforming Signs**

A. Abandonment (Signs Relating to Inoperative Activities)

Signs pertaining to activities or occupants that are no longer using a property shall be deemed abandoned under this Land Development Code six (6) months after the associated activity or occupant has vacated the premises, and shall removed from the premises within six (6) months after the associated activity or occupant has vacated the premises. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to removal by action of the Arapahoe County Zoning Administrator.

B. Violation

Any violation of this Section 12-313 and/or any pre-existing Arapahoe County sign provisions shall terminate immediately the right to maintain such sign.

C. Destruction, Damage, or Obsolescence

The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign sustains damage in excess of fifty (50) percent of the replacement cost, or becomes obsolete or substandard to the extent that the sign becomes a hazard.

12-314. **Planned Sign Program**

12-314.01. **Intent**

A Planned Sign Program is intended to allow some flexibility and deviation from this Chapter 0 in the location, design, number, size, and materials of signs permitted for freestanding signage for residential and nonresidential uses, as part of a cohesive sign package. Applicants may include, but are not limited to Metropolitan Districts, Master Developers, Business Improvement Districts, Neighborhood Associations, and/or Homeowners Associations. Except as set forth below, it is not the intent of these provisions to alter the permitted sign area for any residential or nonresidential use. Under this Section 12-314, an alternative sign package may be allowed as part of a comprehensive Planned Sign Program, notwithstanding the fact that such signs may not conform to all the specific sign regulations found elsewhere in this Land Development Code.

12-314.02. **Purpose**

1. To allow one (1) or more contiguous lots or parcels under single or multiple ownership that contains at least twenty-five (25) acres in land to create a branding or community identity program;
2. To reallocate sign area allowed for freestanding signs;
3. To allow for deviations from sign height, size, and setback requirements in this Section 0.
12-314.03. **Criteria**

In addition to any other criteria to be considered by the Public Works and Development Department and the Planning Commission related to the approval of an application for a Planned Sign Program, the following criteria shall be considered:

1. The application shall be made on behalf of an entire defined development area; individual businesses within a development may not apply for a Planned Sign Program.
2. The Planned Sign Program may include standard templates for individual business signs as part of a coordinated sign plan.
3. All signage shall be designed to be clean and to minimize visual clutter, with a minimal number of colors on the face of the sign;
4. The proposed Planned Sign Program assures that the color scheme, lettering style and materials used in signs within the sign program are consistent with and coordinated within the Planned Sign Program area;
5. The proposed signage shall present a cohesive and unified identity for the Planned Sign Program area;
6. The proposed sign program does not negatively impact the safety of motorists and pedestrians and shall be developed in a manner compatible with the surrounding environment;
7. The proposed sign program is compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or infrastructure;
8. The total signage as presented shall be architecturally integrated;
9. The height of individual freestanding signs within a Planned Sign Program for areas greater than two hundred fifty (250) acres shall not exceed fifty-five (55) feet for non-residential uses or twenty-five (25) feet for residential uses;
10. The height of individual freestanding signs within a Planned Sign Program for areas between twenty-five (25) and two hundred fifty (250) acres shall not exceed thirty-five (35) feet for non-residential uses or twelve (12) feet for residential uses;
11. The sign copy for each sign shall not exceed forty (40) percent of each individual sign area shown on the plan set;
12. Monument-style signs shall be designed with architecturally compatible bases and shall avoid a top-heavy appearance;
13. No pole-mounted signs are permitted;
14. An applicant who desires to include a sign program into a PUD shall do so either concurrent with the zoning amendment development review process or by a PUD modification development review process as provided for in this Code.
15. Landscaping shall be included with the Planned Sign Program and shall be designed to minimize negative visual impact of the base of monument and ground signs;
16. Signs, including associated lighting, shall be designed to minimize negative visual impacts to the adjacent properties;

17. Signage may be allowed in the public right-of-way, on a case-by-case basis, subject to review and approval of the County Engineering Services Division;

18. Signage contained within the Planned Sign Program shall not include signs with changeable messaging;

19. Sign materials may be flexible, such as canvas or fabric, if approved as part of a Planned Sign Program;

20. If an alternative setback is requested, such request shall be proposed as part of the Planned Sign Program;

21. Signs approved as part of the Planned Sign Program and located adjacent to State Highways may be subject to additional requirements of the State of Colorado Department of Transportation (CDOT); and

22. The Planning Commission may impose appropriate and reasonable conditions on the approval of any Planned Sign Program, including, but not limited to conditions which alter sign configurations, reduce sign area, relocate signs, or require other design modifications based upon the application’s conformance with the criteria outlined in this Section 12-314.03

12-314.04. Planned Sign Program Application

An application for a Planned Sign Program shall include at least the following information:

1. Completed Application Form (application forms are available from the Planning Division);

2. Letter of intent. All applications shall include a detailed letter of intent which explains all aspects of the Planned Sign Program as well as provides justification for the request;

3. Notarized letter of authorization from all affected property owners within the Planned Sign Program area permitting a representative to process the application with a disclaimer that no other party’s consent is required;

4. A copy of the existing or approved site plan(s) showing all existing or approved buildings within the Planned Sign Program area;

5. A map, to scale, of the overall Planned Sign Program area;

6. A site plan, to scale, showing the location and type of all of proposed signage;

7. A cover sheet with all necessary Standard Notes.

8. Such site plan shall serve as the master location plan for the Planned Sign Program and shall include all lot lines, easements, setbacks, rights-of-way, and dimensions of building frontages and where applicable, square footage for each building on site;

9. Detailed drawings, to scale, indicating the size, materials, method and intensity of illumination, height, color, sign area, and location of all signs proposed to be included within the Planned Sign Program;
10. A table containing all sign categories, the number of signs for each category, and
the area of each sign category. The table shall correspond to the location of all of
the signs within the Planned Sign Program area;

11. Any setback reductions shall also be included with the Planned Sign Program
application and shown on the site plan;

12. All necessary easements, where applicable, must be obtained prior to taking a
Planned Sign Program Application to the Planning Commission for review and
recommendation. All easements must be recorded and shown on the Planned Sign
Program site plan;

13. Outside referrals are required for all Planned Sign Program applications. Referrals
will be sent to all adjacent property owners, affected agencies, and any
architectural design committees;

14. The final document shall be a photographic mylar or equivalent (prepared such
that the text/line work does not flake, or scratch off) on twenty-four (24) inch by
thirty-six (36) inch single/double matte mylar. The drawing shall be in upper sans
serif with a minimum 12-point font;

15. Any other information deemed necessary by the Public Works and Development
Department;

16. Application Fee – see County Fee Schedule.

12-314.05. Approval Required

1. Applicants for a Planned Sign Program shall obtain approval of a Planned Sign
Program from the Board of County Commissioners prior to any signs being
erected in or upon any structure or property. All signs erected or maintained within
the structure or property shall conform at all times to the approved Planned Sign
Program.

2. The Planning Commission shall consider applications for a Planned Sign Program
based on criteria stated in this Section 12-314.01 to 12-314.08 and after review and
recommendation by the Public Works and Development Department.

3. After Planning Commission review and recommendation of the Planned Sign
Program, the item shall be placed on the consent agenda of the Board of County
Commissioners for review and approval.

4. Any deviations from an approved Planned Sign Program shall be unlawful unless
and until a revised Planned Sign Program is approved by the Planning Division
Manager and/or Board of County Commissioners.

12-314.06. Individual Sign Permits

Individual sign permits, along with all applicable fees, are required for signs contained
within an approved Planned Sign Program. The sign permit is separate and distinct from
any additional permit required by the Building Division, Planning Division or other
agency within the County.

12-314.07. Amendment to an existing Planned Sign Program

1. Administrative Amendment
The Planning Division Manager may administratively approve revisions to a Planned Sign Program, provided the proposed amendment does not alter the approved sign area, the height of any individual sign, or the setbacks.

2. Full Amendment
   Modifications that fall outside of an Administrative Amendment shall follow the same provisions for approval of a Planned Sign Program.

12-314.08. Administrative Amendment
The following items are required for an Administrative Amendment:

1. Completed application form (application forms are available from the Planning Division);
2. Application fee, see fee schedule;
3. Letter of intent. All applications shall include a detailed letter of intent which explains all aspects of the Planned Sign Program as well as provides justification for the request;
4. Notarized letter of authorization from of the affected property owners within the Planned Sign Program area permitting a representative to process the application with a disclaimer that no other party’s consent is required;
5. A copy of the approved Planned Sign Program with all of the revisions bubbled;
6. The Planning Division Manager Approval Block, including a detailed amendment history;
7. Outside referrals are required for all Planned Sign Program applications. Referrals will be sent to all adjacent property owners, affected agencies, and any architectural design committees;
8. The final document shall be a photographic mylar or equivalent (prepared such that the text/line work does not flake, or scratch off) on twenty-four (24)inch by thirty-six (36) inch single/double matte mylar. The drawing shall be in upper sans serif with a minimum 12 point font;
9. Planned Sign Programs may include standard templates as part of a coordinated sign plan; however signage for an individual property owner, tenant, or user shall not be included as part of the Planned Sign Program; and
10. Any other information deemed necessary by the Public Works and Development Department.

12-315. Revocation of a Sign Permit
Any signs found not to be in conformance with this provision of this Land Development Code shall be subject to revocation of the sign permit. No refund of any fees will be made if the permit is revoked under the provisions of this Section.
SECTION 12-400  HOME OCCUPATION

12-401  INTENT
To allow for the use of a residence for an occupation which does not change the character of the neighborhood in which it is located.

12-402  REQUIREMENTS AND RESTRICTIONS
In order for a home occupation to be considered compatible with the neighborhood which it is located, the following criteria must be met:

A. The home occupation must be conducted entirely within the principal dwelling structure. Not more than twenty percent (20%) of the garage area shall be used for storage of permitted materials and goods associated with the home occupation.

B. The home occupation shall be conducted only by the residents of the principal dwelling.

C. There shall be no visible advertising of the home occupation on the premises upon which it is located.

D. There shall be no outdoor storage of goods or materials associated with the home occupation.

E. There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light, or dumping of materials produced by the home occupation.

F. The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States mail, parcel post or general delivery service or private passenger vehicle, but shall exclude truck and/or trailer-delivered goods or merchandise.

G. A home occupation shall not change the appearance or character of the dwelling and/or neighborhood. Only materials, goods and services normally associated with a dwelling unit shall be considered eligible for a home occupation.

H. Sales conducted in conjunction with the home occupation shall be primarily by telephone or direct mail. Incidental pick-up of goods is permitted; however, a home occupation shall not generate an amount of traffic which affects the residential character of the neighborhood, nor shall it encourage congregations of people for extended periods of time.

12-403  DAY CARE HOME
A “day care home” (see definitions) shall be permitted subject to the following provisions:

A. Such “day care home” shall not be allowed signage.

B. Such “day care home” shall provide care for children as follows:

<table>
<thead>
<tr>
<th>Provider’s children not attending full-day school</th>
<th>Maximum number of day care children permitted at one time</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 or more</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
</tr>
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<td>4</td>
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<td>1</td>
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<tr>
<td>0</td>
<td>6</td>
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</tbody>
</table>
Chapter 12 – Specific Regulations

<table>
<thead>
<tr>
<th>Provider’s children under 12 years attending full-day school</th>
<th>Additional day care children permitted during school hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

C. Such “day care home” shall obtain proper licensing as may be required by Colorado Department of Human Services, and/or any other agency as may be required by Colorado laws.

D. A “day care home” is exempt from the provisions of 12-402 A. and 12-402 D. through 12-402 G. above.

12-404 EXPERIENCED FAMILY CHILD CARE PROVIDER
An “Experienced Family Child Care Provider” (see definition) shall be permitted subject to the following Provisions:

A. Such “Experienced Child Care Provider” shall be approved by the Board of Adjustment under Special Exception Use.

B. Such “Experienced Child Care Provider” shall not be allowed signage.

C. Such “Experienced Child Care Provider” shall obtain proper licensing as may be required by Colorado Department of Human Services and/or any other agency as may be required by Colorado laws.

D. An “Experienced Child Care Provider” is exempt from the provisions of 12-402 A. and 12-402 D. through 12-402 G. above.

12-405 CHILD CARE HOME, LARGE
A “Child Care Home, Large” (see definition) shall be permitted subject to the following Provisions:

A. Such “Child Care Home, Large” shall be approved by the Board of Adjustment under Special Exception Use.

B. Such “Child Care Home, Large” shall not be allowed signage.

C. Such “Child Care Home, Large” shall obtain proper licensing as may be required by Colorado Department of Human Services and/or any other agency as may be required by Colorado laws.

D. A “Child Care Home, Large” is exempt from the provisions of 12-402 A. and 12-402 D. through 12-402 G. above.

SECTION 12-500 TEMPORARY STRUCTURES

12-501 INTENT
The intent of this section is to provide for the regulation of temporary structures. For the purposes of these Regulations the term “temporary” shall mean a period of up to one year, unless otherwise permitted.

12-502 GENERAL REQUIREMENTS AND PROCEDURES
Prior to the erection and use of a temporary structure, the applicant shall be required comply with the following:

Page 30 of 115
A. A site plan showing the location of structures, setbacks and any other pertinent information shall be submitted to the PWD Building Division for review and conformance with all applicable zoning district requirements in which the structure is to be located.

B. The temporary building permit granted by the PWD Building Division shall expire one (1) year from the date of issuance, unless otherwise provided herein. The applicant may reapply before the expiration of the original temporary building permit for a continuation of the permit. Upon a showing of hardship and/or evidence that a permanent structure is being constructed upon the property, the PWD Building Division may issue additional temporary permits. However, in no event shall a maximum of more than two (2) permits be granted per structure. All temporary structures shall be in violation of these Regulations at the expiration of the second permit, and shall be removed.

C. All written requests for renewal of a temporary permit shall be submitted to the PWD Building Division a minimum of ten (10) working days prior to the expiration date.

D. Prior to the issuance of the permit by the PWD Building Division, the applicant shall post an appropriate bond with the County, as required.

E. The applicant shall meet any additional requirements necessary for the health, safety and welfare of the residents of the surrounding area as may be required by Arapahoe County.

12-503 PERMITTED TEMPORARY STRUCTURES

12-503.01 Temporary Residence
A temporary residence shall be permitted only in the A-E, A-1 and A-2 zoning districts upon obtaining required building permits.

12-503.02 Temporary Construction Yard and/or Office.
1. A parcel used for the storage of construction materials and/or a temporary structure for a construction office to be used for managing a construction job may be permitted in all districts with the following restrictions:
2. The structure and/or parcel are/is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, etc.
3. While construction is occurring, a temporary construction office and/or construction yard may be permitted provided that it is located within the area of a recorded Final Plat, an approved Final or Master Development Plan, Administrative Site Plan, Subdivision Development Plan, Location & Extent or a Use by Special Review.
4. The temporary construction office may be used as a security office but shall not be used as living quarters.

12-503.03 TEMPORARY RESIDENTIAL SALES OFFICES (MODEL HOMES)
Temporary residential sales offices for the sale of units in an area shall be permitted with the following restrictions:
1. Sales shall be limited only to those units within the platted subdivision in which the office is located.
2. The temporary structure shall be located within the area of a recorded Final Plat.
3. The use of a temporary residential sales office may require the posting of a bond with the PWD Building Division.
4. Sales offices within model homes shall meet criteria as may be established by PWD Building Division regulations, as set forth within the County Building Code, etc.
12-503.04 FIREWORKS STANDS
Fireworks stands shall be permitted upon compliance with the following provisions:
1. Fireworks stands shall not be permitted in residential zoning districts.
2. Fireworks stands shall not be permitted within 75’ of residential structures.
3. Fireworks stands shall be located no closer than fifty feet (50’) from all property lines.
4. Proof of compliance with Arapahoe County Ordinance No. 86-1 shall be submitted with an application for a fireworks stand permit, including proof of insurance.
5. A minimum of 15 parking spaces are to be provided for customers.
6. The PWD Engineering Services Division has granted access approval.
7. Fireworks stands must be located within the boundaries of a fire protection district, and comply with all applicable district requirements.
8. No stand shall be permitted to operate prior to June 15th or after July 7th.
9. Fireworks stands must comply with the provisions of the Arapahoe County Building Code, and meet the minimum requirements of the 2006 International Fire Code applicable to temporary structures.
10. The net weight of the pyrotechnic composition of fireworks stored at the site shall be limited to 125 pounds (where the net weight if the pyrotechnic composition is not known, it shall be presumed that 25 percent of the gross weight of the fireworks, including packaging, equals the net weight of the pyrotechnic composition of the fireworks) : except that storage in excess of 125 pounds is permitted at the site if stored in a approved magazine that is located outside of the sales area and a minimum of 100 feet from inhabited buildings, 20 feet from all property lines, 30 feet from automobile parking and 50 feet from flammable liquids or fuels.
11. Proof of permission to occupy the site (for example, a lease or rental agreement) must be provided.
12. Permit fees shall be $500.00 plus a $250.00 deposit which is refundable if the permittee completely cleans up the site and calls for a clean-up inspection prior to July 13.

12-503.05 CHRISTMAS TREE LOTS
Christmas tree lots shall be permitted upon compliance with the following provisions:
1. Christmas tree lots shall not be permitted in residential zoning districts.
2. Any structure(s) associated with the operation of a Christmas tree lot shall be erected no closer than fifty feet (50’) from all property lines, and shall be anchored in such a manner as to withstand normal wind pressure, be safe from collapse, and be constructed in such a manner so as not to create a health, safety and/or welfare violation(s).
3. Christmas tree lots shall not be erected prior to the weekend after Thanksgiving, nor remain after January 1.
4. Proof of compliance with Arapahoe County Ordinance No. 85-1 shall be submitted with an application for a Christmas tree lot permit.
5. That a minimum of 15 parking spaces are to be provided for customers.
6. That the PWD Engineering Services Division has granted access approval.

12-503.06 STORAGE CONTAINERS/PODS.
Allowed providing the following:
1. Shall not be located in the public right of way
2. Shall not be closer that 5’ from a side or rear property line
3. Shall not block access
4. Shall not exceed the height of an allowed accessory structure
5. Shall be located in areas of least visibility
6. Must be removed from the site no later than 10 days after construction activity has ceased or for no more than seven (7) consecutive days for the purpose of moving or estate sale.
SECTION 12-600     TEMPORARY USES AND TEMPORARY USE PERMITS  
(Rev. April 21, 2015)

12-601  PURPOSE

The following regulations are provided to accommodate certain uses of land or buildings that are short term and temporary in nature and are not listed as allowed or permitted uses under a current zoning approval for the property. These temporary uses shall be regulated so as to avoid incompatibility between such uses and surrounding areas. This section is not intended to apply to those temporary structures that are regulated in section 12-500 of this Code.

12-602  TEMPORARY USES ALLOWED

A Temporary Use Permit may be issued by the Zoning Administrator for the following uses:

A. Seasonal sales or events including, but not limited to pumpkin sales lots, fruit and vegetable stands, corn mazes, hayrides, haunted houses, and other similar temporary uses not subject to the Temporary Structure regulations in section 12-500.

B. Circuses and carnivals.

C. Outdoor entertainment and outdoor assembly events including but not limited to fairs, festivals and concerts.

   1. Each property shall be limited to no more than four (4) such events per calendar year, which shall not be held on consecutive weekends, and which shall have a collective duration (duration refers to actual event time exclusive of setup and breakdown) of no more than ten (10) days per calendar year unless otherwise provided in conjunction with an approved Planned Unit Development), Use by Special Review or other development approval, and except as otherwise provided in this Section.

   2. The Zoning Administrator may approve additional events and/or additional days for such events within a calendar year if the property for which the Temporary Use Permit is requested has a pending and complete application for a Preliminary Development Plan, Final Development Plan or other applicable land use approval to establish the use approved through the Temporary Use Permit as a permanent use on the property. Additional events and/or days may be approved only during the time frame that the application is pending; however, in no event shall additional events or days be approved for a timeframe that is more than three years after the application was first submitted.

D. Art, cultural, educational, or other similar exhibits and displays.
E. Swap meets/flea markets for no more than three (3) consecutive days.

F. Farmers markets, subject to the requirements of Section 12-2300.

G. Outdoor sporting or athletic events.

H. Temporary parking.

I. Temporary construction staging areas.

J. Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the zone district and surrounding land uses.

12-603 REQUIRED PERMIT

A. A Temporary Use Permit approved by the Zoning Administrator or the Board of County Commissioners shall be required for all uses listed in this Section and shall be issued prior to the commencement of the use.

B. The issuance of a Temporary Use Permit shall not relieve the applicant of any other license or other regulatory requirement of the County or any other public agency.

C. In lieu of the Zoning Administrator making a decision on the Temporary Use Permit application, the Zoning Administrator has the discretion to refer any application to the Board of County Commissioners (“Board”) for its consideration and final decision at a public hearing. In such event, the Board shall make its decision based on the requirements of this Section. Compliance with the notice requirements in section 12-607 is required prior to the Board’s public hearing. At such public hearing, the Board may approve, approve with conditions, modify, or deny the application.

12-604 SPECIFIC REQUIREMENTS

A. A Temporary Use Permit shall be valid for a period of time requested and approved in the application but no longer than one year from the date of approval, unless the Zoning Administrator specifies a shorter period of time.

B. The applicant may apply before the expiration of the original Temporary Use Permit for an extension of such permit. The Zoning Administrator may approve an extension to the original time period granted with the permit as long as the extension does not exceed the time limits stated above. All requests to extend a Temporary Use Permit shall be submitted to the Zoning Administrator a minimum of ten working days prior to the expiration date.

C. No more than two separate Temporary Use Permits may be approved to operate at the same time for the same property.

D. Hours of operation shall be limited to daylight hours unless otherwise approved.
E. Temporary Use Permits may only be approved for properties in the A-1, A-E, A-2, B-1, B-3, B-4, and B-5 Zone Districts, as well as in non-residential areas of a PUD.

12-605 APPLICATION REQUIREMENTS

An application for a Temporary Use Permit shall be submitted to the Zoning Administrator at least sixty (60) days prior to the date of the requested use, unless such time period has been waived by the Zoning Administrator. If the size and scale of a proposed temporary use is such that it would reasonably be anticipated that a review and decision could take longer than sixty (60) days, then it is strongly recommended that the application be submitted at least ninety (90) days prior to the date of the requested use in order to ensure adequate time for review and decision (please consult with the Zoning Administrator if there are any questions as to the appropriate submittal timeframe).

An application for a Temporary Use Permit shall be accompanied by a filing fee in an amount established by separate resolution of the Board of County Commissioners and shall include the following information, unless waived by the Zoning Administrator:

A. A site plan showing the location of the proposed use, structures, setbacks, parking, and other pertinent information in conformance with all applicable zoning requirements.

B. A written description of the proposed use, including the requested length of permit and hours of operation, the estimated attendance, and the estimated number of employees, vendors, or staff.

C. A legal description of the lot or property on which the requested use is to be conducted. If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.

D. A signage plan for the proposed use.

E. Anticipated noise levels.

F. Lighting plan.

G. Traffic control plan and traffic study.

H. Dust control measures.

I. Provision of water and sanitation.

J. Emergency response plan and evacuation plan.

K. A narrative addressing the approval criteria in Section 12-609.

L. Such other information as deemed necessary by the Zoning Administrator.

12-606 REVIEW PROCESS
The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. The applicant shall be required to address any issues or deficiencies in connection with application submittal. If necessary, a meeting will be held to discuss any issues that need to be resolved. If necessary, the applicant will then submit an amended application, plan or other materials, as appropriate, to the County. Once the submittal is determined to be complete, the referral process may begin.

The entire application shall be referred for review to the following:

A. All adjacent property owners unless the Zoning Administrator has expanded the notification boundary as appropriate to ensure adequate notice;
B. Arapahoe County Public Works and Development;
C. Arapahoe County Sheriff’s Department;
D. Tri-County Health Department;
E. The applicable fire protection district; and
F. Any other person or entity designated by the Zoning Administrator.

All referral comments shall be sent to the Zoning Administrator within fourteen (14) calendar days of receipt of the referral materials, unless a longer period of time has been specified by the Zoning Administrator.

12-607 PUBLIC NOTICE REQUIREMENTS

If a Temporary Use Permit application has been referred to the Board of County Commissioners for a final decision, the property shall be posted with a sign at least ten (10) calendar days prior to the scheduled hearing and shall otherwise comply with the posting requirements in Chapter 17 of the Land Development Code. The applicant shall also mail a notice of public hearing to all adjacent property owners no later than ten (10) calendar days prior to the public hearing date. The form of such notice shall otherwise comply with the mail notification requirements of Chapter 17 of the Land Development Code. The Zoning Administrator may expand the notification boundary as appropriate to ensure adequate notice.

12-608 DECISION ON APPLICATION

A Temporary Use Permit may be approved, modified, conditioned or denied by the Zoning Administrator, or by the Board of County Commissioners (when referred to it by the Zoning Administrator for its final decision).
12-609 APPROVAL CRITERIA

The Zoning Administrator or Board of County Commissioners may approve a Temporary Use Permit application provided that all of the following criteria, unless deemed inapplicable, have been met:

A. That the operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

B. That the proposed site is adequate in size and shape to accommodate the temporary use.

C. The site is suitable for the proposed use, considering any hazards, drainage, environmental constraints and topography.

D. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate or otherwise mitigated by a traffic control plan, and that adequate provisions for pedestrian safety have been made.

E. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at acceptable alternate locations.

F. That the proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of the proposed location of the activity.

G. The proposed use will not have an adverse impact on roads, public services or facilities, unless otherwise mitigated to standards approved by the County.

H. The proposed use is compatible with the zone district in which the use is proposed.

I. The proposed temporary use is not of such a nature, duration, size, or scale that it would be better accomplished through a rezoning of the subject property.

12-610 CONDITIONS OF APPROVAL

In approving an application for a temporary use permit, the Zoning Administrator or Board of County Commissioners may impose such conditions as are deemed necessary to ensure that the activity will not be detrimental to the general health, safety and welfare, or the existing amenities and quality of the surrounding area. These conditions may involve any pertinent factors affecting the operation of the temporary use, and may include, but are not limited to the following:

A. Provision of temporary parking facilities and safe and convenient vehicular access.
B. Regulation of nuisance factors such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gasses and heat.

C. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.

D. Provision of sanitary and medical facilities.

E. Provision of solid waste collection and disposal.

F. Provision of a potable water supply.

G. Provision of security and safety measures.

H. Regulation of signs.

I. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested.

J. Submission of a bond or other form of security to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event, that the property will be restored to its former condition, and that the estimated cost of services provided by County or other governmental entity necessary for a Temporary Use are covered.

K. Submission of a site plan indicating and detailing all information requested.

L. Requirement that the approval of the Temporary Use Permit is contingent upon compliance with applicable provisions of any other regulations.

M. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this Section.

12-611 REVOCATION.

Upon ten days’ prior written notice to a permittee of the County’s intention to revoke a Temporary Use Permit and after a hearing, such permit may be revoked by the Zoning Administrator or the Board of County Commissioners if one or more of the following conditions exist:

A. Circumstances have been changed by the applicant to such a degree that one or more of the findings of fact contained in the approval can no longer be made in a positive manner.

B. The Temporary Use Permit was obtained by misrepresentation or fraud.

C. One or more conditions of the temporary use permit has not been fulfilled or complied with.
D. That the use is in violation of any statute, ordinance, law, or regulation.

In addition to the above, the Zoning Administrator may revoke a Temporary Use Permit without prior notice and a hearing if a temporary use is conducted in such a manner as to pose an immediate danger to the health, safety, and welfare of the public.

SECTION 12-700 SMALL WIND ENERGY CONVERSION SYSTEMS

12-701 INTENT
To provide for the installation of small wind energy conversion systems (SWECS) providing electricity up to 100 kilowatts on properties within the unincorporated areas of Arapahoe County, unless otherwise prohibited by an approved Preliminary Development Plan.

12-702 GENERAL REQUIREMENTS
A. All requests for the installation of small wind energy conversion systems shall be submitted to the PWD Building Division, with referrals to the Current Planning Section, Engineering Services Division, and Zoning Section, and shall be accompanied by a dimensioned site plan showing:
   1. Property lines.
   2. Proposed location of the tower, including setbacks and height information.
   3. Location of all existing structures.
   4. All above-ground utility lines.
   5. Location of trees or other vegetation described by size and type.
   6. Existing easements

B. The maximum tower height allowed in any zone district shall be one hundred and twenty feet (120').

C. Small wind energy conversion systems shall be located at least one (1) times the height of the supporting tower from all property lines, and from any overhead utility lines.

D. For “horizontal axis” small wind energy conversion systems, the minimum allowable height above-ground for any portion of the rotor or blades shall be thirty feet (30').

E. Climbing access to the structure shall be limited either by means of a six foot (6') high fence around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than twelve feet (12') above the ground.

F. Wind energy conversion systems shall not create a detrimental effect on adjacent properties through electromagnetic interference (EMI) or noise (not to exceed maximum permissible noise levels at the property line as stated in CRS 25-12-103 for the respective zoned districts).

G. The maximum capacity of a small wind energy conversion system is one hundred (100) kilowatts. The SWECS shall not be located along the major axis of an existing microwave communications link nor placed where it may interfere with existing and/or proposed airport facility aids (ILS, NDB, etc.) where the operation of the system is likely to produce an unacceptable level of electromagnetic interference.
H. Small wind energy conversion systems installed in accordance with the requirements of this Section shall not generate power as a commercial enterprise as defined by the Public Utilities Commission (PUC) or the Federal Energy Regulatory Commission (FERC). Any wind energy system that generates power as a commercial enterprise as defined the PUC or FERC is subject to, at a minimum, a 1041 permit or a Use by Special Review.

12-703 PROCEDURE
A. Applicants requesting installation of a small wind energy conversion system shall contact the utility company which has jurisdiction over the parcel of land where the proposed system is to be located (Public Service, IREA). The affected utility shall set forth requirements for the proposed interconnection in compliance with the provisions of the Public Utilities Commission or applicable utility company. Such requirements may include, but not be limited to system specifications, metering, disconnect and emergency features, maintenance, insurance and safety factors. Upon the utility’s review of the proposed system, the landowner/authorized representative shall submit a “letter of intent to interconnect” to the PWD Building Division, which has been signed by the utility company. This requirement shall be waived if no interconnection is proposed.

B. The landowner/authorized representative shall receive and submit to the PWD Building Division a letter of certification from a registered structural engineer, which verifies the structural integrity of the supporting tower for its ability to withstand structural and wind loads in compliance with the Uniform Building Code.

SECTION 12-800 FENCE REGULATIONS

12-801 GENERAL PROVISIONS
A. No person, firm or corporation shall erect, construct, enlarge, alter or move any fence in the County without first obtaining a fence permit from the PWD Building Division, pursuant to this Section.

B. No fence permit shall be issued by the PWD Building Division unless the applicant for such permit demonstrates compliance with the provisions of this Section.

C. Fees for fence permits issued pursuant to this Section shall be set by the Board of County Commissioners to cover the costs of inspections and administration of this Section, and may be amended as necessary by the Board. Fees shall be paid by the applicant prior to the issuance of the fence permit.

D. The purpose of this Section is to promote the health, safety and welfare of the public, to protect the economic and aesthetic value of Arapahoe County, and to prevent traffic hazards and the creation of nuisances. The intent of this Section is to regulate only those fences of whatever class, which are physically located or intended to serve as a boundary between adjoining properties or as a barrier or enclosure of greater than fifteen percent (15%) of the area of a particular zone lot.

12-802 CLASSES OF FENCES AND WALLS
A. Class 1 - MASONRY. Any fence or wall composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block, pre-cast concrete units or tile or similar building units or materials or combination of these materials laid up unit by unit and set in mortar, or pre-cast and set in place.
B. **Class 2 - ORNAMENTAL IRON.** Any wrought iron or metal fence, of primarily open design, consisting of straight or curved metal bars or pieces, including metal vertical picket fences.

C. **Class 3 - CHAIN LINK.** A fence of primarily open design consisting of an interlocking pattern of wire or metal of at least 1/8" in diameter supported by vertical and/or horizontal bars or posts of at least one and one half inches (1 1/2") in diameter.

D. **Class 4 - WOOD PICKET.** A fence that is more than fifty percent (50%) open, as viewed from outside the fence, and is constructed with wooden supports and fence materials. This type of fence includes fences with vertical pieces of wood, with or without pointed ends, as the primary fencing material (i.e., “picket fence”), as well as fences with horizontal wooden bars or rails as the primary fencing material (i.e., “split rail fence”).

E. **Class 5 - SOLID.** A fence that is less than fifty percent (50%) open as viewed from outside the fence.

F. **Class 6 - HEDGE.** A wall consisting of living bushes, trees, plants or plant materials, but not including grass or weeds.

### 12-803 REQUIREMENTS OF FENCES

A. These requirements apply to all fences in unincorporated Arapahoe County enclosing any lot or greater than fifteen percent (15%) of a lot in any zone district.

B. Except as otherwise provided in this Section, fences erected in front of any building on a zone lot shall not exceed three feet (3') in height.

C. Side and rear yard fences may be of any class, as defined in Section 12-802 herein, but shall not exceed a height of six (6') feet excluding hedges; provided that a side yard fence shall not extend past the lot’s front building line or the adjacent neighbor’s front building line, whichever is closest to the rear lot line, unless a sixteen foot (16’) minimum sight distance triangle is provided and that the fence is a minimum setback of eight foot (8’) from the side (corner) property line as illustrated below:
D. Except as otherwise provided in the Definitions Section, side and rear yard fences may be of any class, as defined in Section 12-802 but shall not exceed a height of six feet (6’) excluding hedges; provided that a side yard fence shall not extend past the lot’s front building line or the adjacent neighbor’s front building line, whichever is closest to the lot’s rear lot line.

E. Except as otherwise provided in this Section, rear yards and side yards siding onto a major collector or arterial street may have a masonry wall not exceeding eight feet (8’) in height under the following conditions:
   1. The wall must not be located within the public right-of-way and easements that are dedicated to Arapahoe County;
   2. The wall must be designed by a structural engineer licensed in Colorado for all applicable loads. The wall must be built in conformance to the wall construction plans approved by the Building Division;
   3. The same height, design, colors and materials must be used for the entire frontage of the subdivision.

F. No barbed wire or electrically charged fence shall be erected or maintained, except on land zoned A-E, A-1, A-2, R-A, MU (if stables are a legal use), B-3, B-4, I-1 or I-2, and/or in conjunction with a jail or correctional facility. On land zoned B-3, B-4, I-1 or I-2, the fence must be of chain link construction, and the barbed or electrically charged portion of the fence must be at least six feet six inches (6’6”) above the finished grade outside the fence. Any electrically charged fence in any zone district shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged, and shall be maintained by its owner.

G. On corner lots, no fence or retaining wall shall be erected or maintained which obstructs the vision of automobile traffic on the adjacent streets or driveways.

H. Retaining walls exceeding a height of four feet (4’) from the finished grade on the low side of the wall shall be designed by a licensed structural engineer, and plans submitted for a fence permit shall show the seal of such engineer. Retaining walls within 30’ sight triangles can not exceed three feet (3’) in height.

I. Every fence in the County, including but not limited to those fences for which no permits are required, shall be maintained in good structural condition at all times. The PWD Director, or his designees, or the Zoning Administrator, or his designee, shall inspect and have the authority to order the repair or removal of a fence which constitutes a nuisance or hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which shall constitute a hazard or zoning violation for any other reason.

J. Fences on land zoned A-1, A-2 or A-E are excluded from the requirements of this Section, except for Sections 12-803.D and 12-803.G as long as such land is used for agricultural purposes and proper maintenance is exercised by its owner.

K. Fences in B-3, B-4, I-1 or I-2 districts may be up to eight feet (8’) tall, provided that the fence must be of Class 3 construction.

L. Fences surrounding tennis courts may be up to twelve feet (12’) tall.

M. When the provisions of this Section conflict with the special fence provisions for particular uses found in other Sections of these Regulations, such special provisions shall control.
N. Sound barrier walls, when constructed adjacent to major arterial roadways, shall be designed in accordance with CDOT.

SECTION 12-900  GROUP HOMES

12-901  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.

12-902  GENERAL PROVISIONS: TYPE A GROUP HOME
A. Group homes in this category are to be considered a “principal permitted use” in all residential zone districts. As every residential use does, so must the group home accomplish the following:
   1. Conform to the provisions of the governing zone district.
   2. Demonstrate architectural consistence and compatibility with surrounding development.
   3. 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 (8) resident individuals.
C. Group homes may not be located within 750 feet of any other group home. The 750’ separation requirement shall only apply to a group home within the unincorporated area of the County.

12-903  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.
C. The PWD Director or Planning Division Manager is authorized, upon request of the applicant and after written notification to the Board of County Commissioners, to waive public hearing requirements and to make any necessary modifications to the public notification requirements (which requirements may include different requirements) for applications for shelters for victims of domestic violence. To the extent, and only to the extent, the Director determines that such waiver or modifications will substantially reduce the risk of harm to the occupants of the proposed facilities.
D. In making this determination, the PWD Planning Division Manager may consult with other County officials, immediate neighbors of the proposed facility, and any other persons, to require as much compliance with County procedures as possible, while attempting to accommodate the applicant’s request. To the extent authorized by law, and in the discretion of the PWD Manager,
some or all of the location information relating to the application may be withheld from the public portion of the permanent file on the application and retained as confidential or privileged information pursuant to C.R. S. §21-72-204(3)(a)(IV).

E. None of the procedures described in this section shall grant any applicant, occupant, or other person, any right of action against the County, its elected or appointed officials and employees, based upon any negligent or willful action or damage or injury whatsoever alleged to be suffered which is in any way related to the procedures described in this section.

F. The Board of County Commissioners may overrule any or all of the PWD Planning Division Manager or PWD Director’s actions pursuant to this section (at any time prior to final action on the application) (within 14 days of receipt of the Planning Division Manager or PWD Director’s written notice of waiver). The Board of County Commissioners does not intend to grant any private right of action by the adoption or administration of these procedures.

G. The Board of County Commissioners reserves the right to authorize the PWD Planning Division Manager or PWD Director’s, in appropriate cases, to waive or vary the processing requirements of these Regulations, to the extent necessary to avoid violating any legally protected rights, and to the extent necessary to accommodate persons with disabilities, as may be required by federal, state or local law.

H. The applicant shall request, in writing, the accommodation, waiver or variance required, shall state the reasons the action is needed, and shall submit all backup documentation which supports the reason given by the applicant.

I. Prior to acting on the request, the Board of County Commissioners or the Planning Division Manager or PWD Director’s may require, in their discretion, the applicant to submit additional research, analyses or data, which may include legal opinions upon which the County may rely, as may be needed to assist the Board or Planning Division Manager or PWD Director’s in processing the request. The Board or Planning Division Manager or PWD Director’s may deny any request for which insufficient supporting documentation is received.

J. All such requests shall be finally acted upon by the Board of County Commissioners no later than sixty days following receipt of the request or twenty days following receipt of any additional information requested from or supplied by the applicant, whichever date is later.

SECTION 12-1000 SEXUALLY-ORIENTED BUSINESSES

12-1001 INTENT
To provide suitable potential locations for sexually-oriented businesses in a manner that minimizes the harmful secondary effects associated with such establishments and this is consistent with the health, safety and welfare of the community.

12-1002 GENERAL PROVISIONS
A. No person may operate or cause to be operated a sexually-oriented business outside of the B-4, B-5, I-1 and I-2 Zoning Districts. No person may operate or cause to be operated a sexually-oriented business on a property with a P.U.D. zoning designation, unless such use was specifically listed in the P.U.D. approval prior to the enactment of this Section.

B. No person may operate or cause to be operated a sexually-oriented business within 1,000 feet of:
1. any church
2. any school meeting all requirements of the compulsory education laws of the state;
3. the boundary of any residential zoning district;
4. a dwelling unit (single or multiple);
5. a public park adjacent to any residential zoning district; or,
6. a licensed child-care center

C. No person may operate or cause to be operated a sexually-oriented business within 1,000 feet of another sexually-oriented business.

D. No person may cause or permit the operation, establishment or maintenance of more than one sexually-oriented business within the same building or structure or portion thereof.

E. For purposes of this section, the distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures or streets, from the closest exterior structural wall of each business.

F. For purposes of this Section, the distance between any sexually-oriented business and any church, school, child-care center, public park, dwelling unit (single or multiple) or residential zoning district shall be measured in a straight line, without regard to intervening structures or objects from the nearest property line of the property on which the sexually-oriented business is conducted to the nearest property line of the premises of a church, school, child-care center, or dwelling unit (single or multiple), or the nearest boundary of an affected public park or residential zoning district.

G. Any sexually-oriented business lawfully operating on the date of the enactment of this Section regulating the location of sexually-oriented businesses that is in nonconformance with this Section shall have six (6) months to cease operations and after such time all nonconforming sexually-oriented businesses must be in compliance with this Section. Notwithstanding the above, the Board of Adjustment shall grant an extension of time during which a sexually-oriented business in violation of this Section will be permitted to continue upon a showing by a preponderance of the evidence, which is credible and which to the extent practical meets the admissibility standards of the Colorado Rules of Evidence, that the owner of the business has not had a reasonable time to recover the initial investment in the business that was made or irrevocably committed to prior to the date of the enactment of this Section. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his or her initial financial investment in the business. The procedure for obtaining permission to continue the business from the Board of Adjustment shall be the same procedure as for variances. The Board of Adjustment shall have the right to refer any evidence submitted to the Arapahoe County Finance Department or any other department or agency for its review and comment, and may continue any hearing as necessary to do so. Any application for an extension must be submitted on or before the last day of the six (6) month amortization period, and such application shall toll the deadline for ceasing the non-conforming use until such time as the Board of Adjustment renders its decision. A sexually-oriented business in violation of this Section may continue during any extension period granted by the Board of Adjustment unless the business is sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such business shall not be enlarged, extended, or altered except that the business may be brought into compliance with this Section.

H. If two (2) or more sexually-oriented businesses are within 1,000 feet of another and are otherwise in a permissible location, the sexually-oriented business which was first established and
continually operating at its particular location will be deemed to be in compliance with this Section and the later established business(es) will be deemed to be in violation of this Section.

I. A sexually-oriented business lawfully operating is not rendered in violation of this Section by the subsequent location of a church, school, child-care center, dwelling unit (single or multiple), public park, or residential zoning district within 1,000 feet of the sexually-oriented business.

SECTION 12-1100 COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES

12-1101 INTENT

The intent of this section is:

1. To accommodate the wireless communication needs of the County residents, businesses, and visitors, while protecting the public health, safety, general welfare, and visual environment of the County;
2. To enhance the ability to provide wireless services to County residents, businesses and visitors, while using performance standards and incentives to promote location of CMRS facilities on concealed structures and existing buildings;
3. To ensure that telecommunications facilities minimize adverse visual impacts through careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
4. To encourage the joint use of new and existing telecommunications facility locations and to reduce the number of towers needed to serve the County by requiring facilities to be placed on existing structures and requiring co-location of CMRS providers on existing and new towers, wherever possible.

12-1102 CLASSIFICATION OF WIRELESS FACILITIES

A. Attached. A wireless telecommunications facility is an “attached facility” if it is affixed to an existing or proposed structure (including, but not limited to, buildings, water tanks, traffic signal light standard, utility poles, and broadcast towers) provided such structure conforms to all applicable regulations including building and zoning regulations. A wireless telecommunications facility that is attached to an existing structure which is classified as a legal nonconforming use is considered an “attached facility.”

B. Freestanding. A wireless facility that is not an attached facility and is defined as either a “concealed freestanding facility” or a “non-concealed freestanding facility” as follows:

1. A concealed freestanding facility is a structure, as defined in Chapter 19, that has been designed to be architecturally compatible with the surrounding area and camouflages or conceals the presence of the tower and antennas. These structures would include, but are not limited to: artificial rocks and trees, freestanding clock towers and steeples, light poles, flagpoles, and artistic structures.

2. A non-concealed freestanding facility is a lattice tower, monopole tower, guyed tower, or other freestanding facility that does not meet the definition of a concealed freestanding facility.

12-1103 GENERAL PROVISIONS

12-1103.01 Other Regulations

All CMRS facilities must comply with FCC Regulations and all other federal and state regulations.

12-1103.02 Where Allowed
### ANTENNA LOCATION REGULATIONS

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<thead>
<tr>
<th>ZONE DISTRICT</th>
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<th>Temporary CMRS Facility</th>
<th>Freestanding Facility - Concealed</th>
<th>Freestanding Facility – Non-Concealed</th>
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- **P** = Permitted by administrative review as an accessory use as described in this code. Building permit needed.
- **NP** = Not Permitted
- **TUP** = Applicant must apply for and obtain a Temporary Use Permit
- **CP** = Conditionally Permitted in accordance with applicable sections of this code.
- **1** = Limited to quasi-public and public use areas.
- **2** = Over height facilities may apply for a Special Exception Use Permit through Board of Adjustment.
- **3** = Setback from property lines of properties in the residential and agricultural zone districts and mixed-use zone districts with a residential component: 100 percent of tower height, but not less than minimum building setbacks in the underlying zoning district, except when an alternative setback has been approved or when attached to a public utility substation or to a high-tension power line tower within a utility corridor, the setback may be the same as the setback for the existing high-tension power line tower or substation.
- **4** = Outside Referral Required.
- **5** = Applicant required to conduct neighborhood meeting. Applicant required to send notices to all Home Owners Associations and property owners within 500 feet of the site, or may require notification to a larger area if the Planning Division Manager determines the facility’s visual impact warrants a greater notification area.
- **6** = Not allowed on Residential Buildings or any building containing residential uses.
Chapter 12 – Specific Regulations

12-1104 ADDITIONAL CRITERIA

A. New CMRS Facilities
New CMRS facilities shall be categorized as one of the following categories: Attached, Freestanding Concealed, or Freestanding Non-Concealed.

B. Location
1. Attached Facilities:
   To the maximum extent feasible, CMRS facilities shall be located on existing structures, including but not limited to buildings, water towers, broadcast towers, and related facilities, provided that such installation preserves the character and integrity of those structures.

2. Freestanding Facility - Concealed:
The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate. If the applicant demonstrates that it is not feasible to locate on an existing structure, CMRS facilities shall be designed so as to be concealed and be architecturally compatible with the surrounding area and camouflages or conceals the presence of the tower and antennas. These freestanding facilities would include, but are not limited to: artificial rocks and trees, freestanding clock towers and steeples, light poles, flagpoles, and artistic structures.

3. Freestanding Facility – Non-Concealed:
The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate and that a concealed facility is also not feasible. Such Non-Concealed Freestanding facilities include: a lattice tower, monopole tower, guyed tower, or other freestanding facility that does not meet the definition of a concealed freestanding facility.

4. Rights-of-Way:
   a. CMRS facilities may be located in County rights-of-way, on a case-by-case basis and subject to review and approval from the Public Works and Development Department.
   
   b. Must obtain a right-of-way permit with the County.
   
   c. CMRS facilities may be allowed on an existing traffic signal light pole, street light standard, utility pole, or other vertical infrastructure, or on a replacement traffic signal light pole, street light standard, utility pole, or other vertical infrastructure, provided:
      i. The owner of the vertical infrastructure approves the use;
      ii. The facility does not exceed the height of the existing infrastructure on which it is mounted by more than eight (8) feet;
      iii. CMRS facility shall be structurally similar to existing infrastructure;
      iv. CMRS facility shall continue the function of the existing infrastructure;
      v. Freestanding Facilities shall not be permitted in the rights-of-way; limited to attached facilities;
      vi. Ground-based equipment may be located within the rights-of-way on a case-by-case basis, taking into account the impacts of such equipment within the ROW on the public health, safety and welfare.

   d. Applications for CMRS facilities in the rights-of-way that are within five hundred (500) feet of residentially zoned property shall require a referral to all interested or affected parties.

C. Facilities on Residential Properties:
CMRS facilities may not be placed on buildings used for single-family residential purposes.
**12-1105 TEMPORARY CMRS FACILITIES**

1. Temporary CMRS facilities designed for use while a permanent CMRS facility or network is under construction may operate for up to 180 days, after which the temporary facility must be removed. In cases where temporary facilities are necessary due to destruction or significant damage to permanent structures hosting CMRS facilities due to causes beyond the control of an applicant, renewal requests for temporary facilities are subject to review and approval by the PWD Director on a case-by-case basis. Unless such renewal request is granted, no other temporary facility can be built by the provider on the property after the original temporary facility is removed.

2. Temporary CMRS facilities designed for use during a special event may operate for up to 14 days, after which they must be removed at the provider’s expense. An extension of the temporary use may be granted by the Planning Division Manager to coincide with an extended period of time for the special event and subject to conditions to mitigate impacts of the extended use. Such temporary facilities may be operated on a property up to four times a year.

3. Temporary CMRS facilities must comply with this code (requirements and performance standards). The Planning Division Manager may require landscaping and screening requirements for temporary facilities where adjacent or nearby properties or users of public rights-of-way may be impacted.

**12-1106 REQUIREMENTS AND PERFORMANCE STANDARDS**

**12-1106.01 General Standards and Requirements**

1. CMRS facilities shall comply with all applicable federal, state, and county rules, regulations, and/or requirements pertaining to the specific use.

2. CMRS facilities shall conform to the provisions of the governing zoning district unless otherwise provided for in this section.

3. Any CMRS facility lawfully operating on the date of enactment of this section that is inconsistent with the provisions of this Code shall be deemed a nonconforming use as provided for in this Code (nonconforming uses), except that co-location will not be considered an expansion of a nonconforming use.

4. The absence of a principal use on a given parcel of land does not preclude the establishment of a CMRS facility as an accessory use.

5. Planned Unit Developments (PUD’s): CMRS facilities shall comply with the provisions set forth within the Final Development Plan for the parcel, as approved by the Board of County Commissioners, or in the absence of a Final Development Plan shall comply with the provisions set forth within the approved Preliminary Development Plan or Master Development Plan (MDP), except that these CMRS facility regulations shall govern where said Preliminary, Master, and/or Final Development Plans do not otherwise address provisions required by these regulations.

6. CMRS facilities shall comply with the provisions set forth within the approved Location and Extent Plan, Administrative Site Plan, and Use by Special Review for the parcel, as applicable.
12-1106.02 Setbacks for CMRS Facilities

1. Attached Facilities.
   a. Attached facilities and ground-based equipment may encroach up to twenty-four (24) inches into the minimum building setbacks in the underlying zoning district but must not extend over property lines.
   
   b. Ground-based equipment may be located within the rights-of-way on a case-by-case basis, taking into account the impacts of such equipment within the right-of-way on the public health, safety and welfare.
   
   c. The required setback for facilities and ground-based equipment within the ROW shall be determined by the Public Works and Development Department and shall be based on safety requirements and consistent with the setbacks for similar structures.

2. Freestanding Facility - Concealed.
   a. Minimum setbacks for Freestanding Facilities – Concealed are the same as the minimum building setbacks in the underlying zoning district, or the height of the facility, whichever is greater.
   
   b. An alternative setback may be approved by the Planning Division Manager, if the proposed concealed freestanding facility will replace an accessory structure to an established principal use, not limited to signs, light poles, and flagpoles.
      i. The proposed alternative setback decrease shall not be more than thirty percent (30%) of the original setback dimension, and
      ii. Such alternative setback may be permitted where it is evidenced that the siting and location of the concealed freestanding facility with the alternative setback substantially camouflages or conceals the presence of the tower and antennas and has less visual impact than would be achieved by applying the principal structure setback.

3. Freestanding Facility – Non-Concealed.
   a. Minimum setbacks for non-concealed freestanding facilities are as follows:
      i. From property lines of properties in the Business and Industrial zone districts: 30 percent of the facility height but not less than minimum building setbacks in the underlying zoning district.
      ii. From property lines of properties in the residential and agricultural zone districts and mixed-use zone districts with a residential component: 100 percent of the facility height but not less than minimum building setbacks in the underlying zoning district.

   a. All ground-based equipment shall meet the setbacks applicable to principal structures in the zone district, unless an alternative setback is established for a concealed freestanding facility.
   
   b. Ground-based equipment may be located within the rights-of-way on a case-by-case basis, taking into account the impacts of such equipment within the right-of-way on the public health, safety and welfare.
12-1106.03 Equipment Design
A. Attached Facilities:
1. Attached facilities on a roof may extend up to fifteen (15) feet over the height of the building or structure, subject to FAA height restrictions if located within an Airport Influence Area (AIA).

2. Such facilities may exceed the maximum height of the underlying zoning district by up to fifteen (15) feet, subject to FAA height restrictions if located within an Airport Influence Area (AIA).

3. Attached antennas must be located, painted and/or screened to be architecturally and visually compatible with the building or structure it is attached to unless conflicting with state or federal requirements.

B. Freestanding Facility - Concealed:
1. Concealed Freestanding Facilities must be painted or coated in a color that blends with the surrounding building and natural environment, unless state or federal regulations require different colors.

2. When a CMRS facility is incorporated into an overall photometric plan, such as a CMRS facility being included on a parking lot light pole or on sports field lighting, the CMRS facility height must be consistent with the pole height used for the parking lot or sports field. The CMRS Facility must meet the height restrictions outlined in the Land Development Code.

C. Freestanding Facility – Non-Concealed.
1. Freestanding Non-Concealed Facilities must not be artificially lighted, unless required by the FAA or other state or federal agencies.

2. Security lighting on the CMRS facility may be mounted up to 15 feet high and must be directed toward the ground to reduce light pollution, to prevent offsite light spillage and avoid illuminating the tower.

D. Ground-Based Equipment:
1. Ground-based equipment must be compatible with the architectural style of the surrounding building environment with consideration given to exterior materials, roof form, scale, mass, color, texture and character. Ground-based equipment must be constructed with materials that are comparable to the materials of the principal use. Equipment cabinets must be located, painted and/or screened to be architecturally and visually compatible with the surrounding building and natural environment. All equipment, storage shelters, and/or cabinet components of the CMRS facility shall be grouped as closely as technically possible

2. The total footprint of each service provider’s equipment storage shelter and/or cabinets shall not exceed 400-square feet and shall not exceed fifteen (15) feet in height. The Planning Division Manager may approve a request submitted as part of a CMRS Facility application to increase the maximum allowable footprint of each service provider’s equipment storage shelter and/or cabinets otherwise meeting the requirements of this Code for Equipment Design for Ground-Based Equipment, subject to the following:

   a. The amount of increase in the footprint of the ground-based equipment approved by the Planning Division Manager shall not exceed 30% of the maximum allowable area.

   b. Criteria to be considered by the Planning Division Manager in the determination of whether to allow an increase in the maximum allowable footprint shall include, but not be limited...
to, information provided by the applicant: justifying the need for the increased area for
ground-based equipment; demonstrating that a single, larger equipment enclosure would
better integrate into the architecture and site design for the property where the equipment
is to be located than multiple smaller cabinets for co-located facilities; demonstrating
efforts to incorporate the ground-based equipment into the design of the buildings and
grounds for the principal use of the property; demonstrating use of landscaping or other
mitigating design elements to enhance the property and/or mitigate negative impacts from
the larger ground-based equipment enclosure.

3. Equipment must not generate noise that can be measured at the property line. However, this does
not apply to generators used in emergency situations where the regular power supply for a facility
is temporarily interrupted. It also does not apply to air conditioners or noise made during regular
maintenance and upkeep of the facility and site.

12-1106.04 Site Design
1. Screening and landscaping appropriate to the context of the site and in harmony with the
character of the surrounding environment is required when any part of the facility is visible from
a public right-of-way or adjacent properties. Screening shall include architectural design, fencing,
landscaping, or other suitable means for the site. Landscaping shall be in accordance with the
requirements of this Code and shall be maintained. Fencing may be up to six feet high and shall
be a solid fence of a suitable architectural finish for the development and compatible with the
quality and design of buildings on the site (no chain link permitted). If a facility fronts on a public
street, street trees must be planted along the roadway to provide additional screening.
Landscaping in the ROW may require review by the Engineering Services Division and approval
of any necessary license agreements.

2. Existing vegetation and grades on the site must be preserved as much as possible.

3. Signage at the site is limited to non-illuminated warning and equipment identification signs, not
to exceed 6-feet in height and a maximum of six (6) square feet in area. This does not apply to
concealed facilities incorporated into freestanding signs, as otherwise permitted in the Land
Development Code.

4. CMRS facilities shall not include manned offices, long-term vehicle storage or other outdoor
storage, or other uses not needed to send, receive, or relay transmissions.

12-1106.05 Co-Location on Existing CMRS Facilities
1. CMRS providers must not exclude other providers from co-locating on the same free-standing
(concealed or non-concealed) facility when co-location is structurally, technically, or otherwise
possible. When requested, the applicant must provide written documentation which demonstrates
that co-location was refused or provide evidence that co-location is not possible before attempting
to locate an additional free-standing CMRS facility (concealed or non-concealed) on a given
parcel of land. The County may require a third-party technical study at the expense of either or
both parties to determine the feasibility of co-location. The study will be conducted at a
reasonable cost and with minimum necessary effort to make determination regarding co-location.

2. If the facility height is not increased, and the new CMRS facility, along with any ground-based
equipment, complies with all applicable regulations of this Code as well the approved plan for the
existing facility, CMRS facilities may be attached to an approved existing tower upon
administrative approval of a complete application.
3. In addition to equipment proposed for the applicant's use, proposed CMRS facilities sites must be designed to accommodate co-location of one additional CMRS provider for every 40-foot segment of the structure's height over 40 feet.

4. With respect to any application for new CMRS facilities, the County may reduce the required shared capacity if sharing of such CMRS facility dominates and adversely alters the area's visual character.

5. The addition of equipment for co-location of CMRS facilities on existing legal, nonconforming antenna towers is not considered a nonconforming use expansion and is exempt from the nonconformities section of this Code, if the facility height remains unchanged. Appropriate permits are required for the addition of any equipment.

12-1106.06 Abandonment
CMRS facilities are considered abandoned if they are unused by all providers at the facility for a period of 180 days. A copy of the notice to the Federal Communications Commission (FCC) of intent to cease operations of a subject facility shall be promptly submitted to the County. If the lot or parcel for the facility is leased, a redacted copy of the relevant portions of a signed lease, which requires the removal of the communications facility upon cessation of operations at the site, or a notarized letter with signatures from both landlord and tenant explaining such procedures, shall be submitted at the time of application or at the time of leasing, whichever is later. The Planning Division Manager will determine if a CMRS facility has been abandoned. The Planning Division Manager has the right to request documentation from the facility owner regarding tower or antenna usage.

1. Upon abandonment, the facility owner has 90 days to:
   a. Reuse the facility or transfer the facility to another owner who will reuse it; or
   b. Dismantle the facility. If the facility is not removed within 90 days of abandonment, the county may pursue enforcement subject to the provisions of this Land Development Code. If the facility is removed, County approval of the facility is null and void. The site must be restored at facility owner’s expense.

2. The County is hereby authorized to remove or cause the removal of the abandoned CMRS facility without any liability for trespass.

3. All direct and indirect costs incurred by the County, including an administrative cost equal to twenty-five percent (25%) of all direct costs, shall be charged as a lien against such real property and the owners thereof.

12-1106.07 Revocation of Permit
A building permit or other administrative approval may be revoked and the facility removed at the owner’s expense if:
   a. The free-standing facility owner is not willing to provide space for other carriers at a fair market rate when it would not impair the structural integrity of the tower or cause interference;
   b. The free-standing facility owner modifies the structure in a way to make co-location impractical or impossible;
   c. The free-standing facility owner fails to maintain all landscaping, equipment shelters, buildings, cabinets, and screening.
12-1107 APPLICATION REVIEW

12-1107.01 Review Processes

A. Presubmittal Meeting

A presubmittal meeting is required for all CMRS applications. The presubmittal meeting may be waived provided the facility is not proposed to be located in a right-of-way.

B. Administrative Review

Applications for proposed CMRS facilities must comply with the provisions of this Land Development Code. The time period in which the County will review and act upon applications shall be tolled for any applications that are not complete. The County shall notify an applicant of any deficiencies in its application within thirty (30) days of filing, and/or within thirty (30) days of submitting any additional information, to the extent that any supplemental application materials remain incomplete. If outside referrals or a neighborhood meeting is required, notification shall be provided in a manner determined by the County.

The Planning Division Manager, or designee, will make a decision to approve or deny an application that qualifies for administrative review within 45 days of submittal and inform the applicant of said decision. If a third-party technical study (technical issues and expert review) is required, a decision to approve or deny an application may be postponed until fifteen (15) days after the study is complete, and within ninety (90) days of the filing of a complete application for a co-location or one hundred fifty (150) days of the filing of a complete application for any other application; provided however, that the County and the applicant may always agree to extend the time in which final action on the application is required by this Code. Any decision to deny a request to place, construct, or modify facilities must be in writing and include specific reasons for the action.

C. Outside Referrals

If outside referrals are required, the applicant shall provide all necessary referral packets to the County for distribution. Such packets shall be prepared for all property owners and Home Owners Associations within 500 feet, or such additional distance as required by the Planning Division Manager at his or her sole reasonable discretion. The packet(s) shall include a letter of intent, site plan with underlying zoning, proposed facility height, proposed setbacks, photo-simulations, and any other information deemed necessary by the Planning Division Manager.

D. Neighborhood Meeting

If a CMRS Facility is proposed within 500 feet of a residentially zoned property, the applicant must schedule and conduct a neighborhood meeting to inform residents about the project. Notice for such Neighborhood meeting shall be provided in a manner determined by the County. Notice must be sent to all property owners and Home Owners Associations within 500 feet of the site, or a larger area if the Planning Division Manager determines the facility's visual impact warrants a greater notification area. Such notice shall be sent at least 14 days prior to such scheduled meeting date.

E. Appeal of Planning Division Manager’s Decision

For a CMRS facility proposed within 500 feet of residentially zoned property, the applicant and the adjacent neighborhood(s) will be notified of the Planning Division Manager’s decision. Such notice will be provided in a manner determined by the County. For the purposes of 47 U.S.C. Sec. 332 (c)(7), the decision of the Planning Division Manager is final. An applicant or an interested citizen may, prior to challenging the County’s action in court, appeal the Planning Division Manager’s decision to the Board of County Commissioners, which appeal shall be based upon the administrative record, and in accordance with the following:
1. Citizen Appeal
The Planning Division Manager's decision may be appealed by a citizen or citizen group. Such appeal shall be submitted to the Planning Division Manager in writing within 10 working days of the decision. Such appeal may be taken to the Board of County Commissioners for consideration and decision. If the Board of County Commissioners hears such appeal, proper public notice requirements per this Land Development Code shall be followed.

2. Applicant Appeal
The Planning Division Manager's decision may be appealed by the applicant. Such appeal shall be submitted in writing to the Planning Division Manager within 10 working days of the decision. Such appeal may be taken to the Board of County Commissioners for consideration and decision. If the Board of County Commissioners hears such appeal, proper public notice requirements per this Land Development Code shall be followed.

12-1107.02 Other Review/Permit
A. Technical Issues and Expert Review
CMRS facilities may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Planning Division Manager may require the applicant to pay reasonable costs of a third-party technical study of a proposed CMRS facility. Selection of expert(s) to review the proposal will be in the sole discretion of the County.

B. Building Permit
Administrative approval of CMRS facilities is separate from the building permit review process. Building permits for the construction of CMRS facilities cannot be issued until the facility is approved through the Administrative or Special Exception Use process, as applicable.

12-1108 APPLICATION
12-1108.01 Application Not Required for Maintenance
A CMRS application is not required for routine maintenance or replacement of existing facilities or equipment, so long as the new facilities or equipment are consistent with the approved size, height, concealment, screening, and other applicable site and facility design elements being replaced.

12-1108.02 Application Contents
Applications for proposed CMRS facilities, and additions or modifications to existing facilities, must include the following:

A. Letter of Intent. A letter of intent or project statement that outlines the details of the proposed facility must be submitted. Include proposed facility height and setbacks, underlying zoning, maximum height allowed in zone district, setbacks in zone district, area of all ground-based equipment and applicable screening for such equipment, other landscaping and screening information, and any other relevant information. Such letter shall include information regarding the intent to remove the facility at the expense of the facility and/or property owner if it is abandoned, as provided in this Code (abandonment).

B. Completed Carrier Acknowledgement Form. Carrier Acknowledgement Form is intended to provide evidence that the applicant has read the County’s Land Development Code Regulations and, to the best of their knowledge, the application is in compliance therewith.

C. Completed Application.
D. **Co-Location Letter.** A letter of intent to allow co-location on the CMRS facility as provided in this Code (co-location), if the facility is over 40 feet.

E. **Site Plan.** A site plan showing the location and legal description of the entire parcel; lease area; on-site land uses and zoning; adjacent roadways; parking and access; areas of vegetation and landscaping to be added, retained, replaced or removed; setbacks per zoning; setbacks from property lines; screening and/or fencing; and the location of the facility, including all related improvements and equipment.
   1. **Landscaping**
      A schedule for the installation of landscaping and screening, if applicable.

   2. **Vicinity Map**
      A vicinity map must be submitted. Such map shall show adjacent properties (including all adjacent zoning), general land uses, and road-ways:
      a. Within 500 feet of a proposed attached antenna site; and
      b. Within a distance of (tower height × twenty) of a proposed CMRS facility.

F. **Elevations.** Elevation drawings of the proposed facility along with all ground-based equipment and associated screening, fencing, landscaping, lighting, and other improvements related to the facility, showing specific materials, placement, and colors.

G. **Photo-Simulations.** Photo-realistic renderings, photosyms (photo simulations) of the site after construction, demonstrating the true impact of the facility on the surrounding visual environment. The Planning Division Manager may request such exhibits from specific vantage points.

H. **Other Information:**
   1. A report describing the facility and the technical, economic, and other rationale for its design and location; the need for the facility and its role in the network; and the capacity of the structure, including the number and type of antennas it can accommodate.

   2. The FAA response to the notice of proposed construction or alteration (FAA Form 7460-1 or equivalent), if the facility is located within an Airport Influence Area.

   3. Documentation detailing responsibility for maintenance of landscaping, screening and the replacement of dead landscaping.

   4. The Planning Division Manager may request additional copies of any submittal item for review by other agencies.

**12-1108.03 Facility Inventory**
The first application in a calendar year (January through December) for a proposed CMRS facility by a provider must include an inventory of all the provider's existing and approved facilities within Arapahoe County, all incorporated areas within the County, and one mile beyond the county border. Such inventory shall include the location and type of facilities.

**SECTION 12-1200 PARKING REGULATIONS**

**12-1201 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.

12-1202 LOCATION OF PARKING AREAS

12-1202.01 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. All public parking facilities can function and be located independent of an associated use.

12-1202.02 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.

12-1202.03 TANDEM PARKING IN MULTI-FAMILY
Tandem parking spaces in multi-family shall not be counted towards the minimum required on-site parking spaces.

12-1202.04 ACCESSIBLE PARKING
All parking areas are required to provide accessible spaces in accordance with the American’s with Disabilities Act (ADA).

12-1202.05 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.

12-1202.06 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.

12-1203 MARKING STANDARDS FOR PARKING SPACES
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. 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).
12-1204 DESIGN STANDARDS FOR PARKING AREAS

12-1204.01 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.

12-1204.02 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.

12-1204.03 LANDSCAPING
These landscape requirements apply to all parking lots, in accordance with the standards described herein.

A. Interior landscaped parking islands shall not satisfy any of the minimum requirements for landscaping or open space. If the number or size of the parking islands exceeds County minimum requirements, the excess shall be credited towards the required landscaping or open space. The required interior landscaped area (planted islands) shall not be transferred to the parking lot perimeter. Distribution of required interior island plantings within the parking lot shall be approved based upon the specific design.

B. Landscaping may not be required for a service parking lot that is typically screened from public view by fences, walls and/or buildings.

C. Landscaped islands within parking lots shall meet the following requirements:
   1. All parking areas in excess of forty (40) spaces shall have at least one (1) interior landscaped island (minimum of 6 feet in width) per 40 spaces. Arapahoe County will require 10 square feet of landscaping per required parking stall, contained in an island with or without curbing.
   2. Any landscape island that is 6 ft. x 36 ft. or greater shall include a minimum of two (2) deciduous or coniferous trees, six (6) shrubs and/or acceptable groundcover. Any landscape island less than 6 ft. x 36 ft. shall include a minimum of one (1) deciduous or coniferous tree and three (3) shrubs and/or acceptable groundcover.
   3. Landscaped parking lot islands greater than 100 square feet in area shall have one additional shrub for each additional 15 square feet or fraction thereof, in area.
   4. When landscaped islands exceed 2000 square feet, plant materials quantities may be calculated at a rate of two (2) trees or five (5) shrubs, or an acceptable combination of trees and shrubs, for every 600 square feet of area in the island.
   5. Landscaped parking lot islands shall be located in such a manner as to divide and break up the expanses of paving.
   6. No landscaping within landscaped islands shall obstruct visibility of vehicles entering, maneuvering in, or exiting the parking lot.
   7. Plantings or other landscape elements in the sight distance triangle shall comply with the Arapahoe County Streetscape Guidelines in Section 18-100 herein.

12-1204.04 BUFFERING
A. When a parking lot is placed between the public right-of-way and any structure, a berm or other approved visual screen (see Section 12-1204.04.02) shall be required between the right-of-way and the parking lot.
B. Where a parking lot boundary adjoins a property zoned for any residential use, a minimum landscape buffer of 20 feet from such lot boundary shall be required. Grasses or other acceptable groundcovers, trees and shrubs shall be planted within the landscaped buffer area. In addition, one or more of the following may be required:
   1. An earthen berm with average side slopes no greater than 3:1
   2. A view-obscuring fence
   3. A decorative wall a minimum of three (3) feet in height
   4. A three (3') foot hedge
C. Where planting is prohibited by the existence of an easement, additional setbacks for the parking lot will be required to provide for the landscaped buffer.

12-1204.05 LIGHTING
All lighting used to illuminate off-street parking areas shall be arranged as to reflect light glare away from abutting properties and abutting streets.

12-1204.06 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.

12-1205 PARKING PLAN REQUIREMENTS
All final development, subdivision development or administrative site plans must contain the following parking information as a minimum:
   1. Number, location and dimension of parking stalls
   2. Widths of drive aisle
   3. Landscaping - type, location, and method of irrigation
   4. Surface treatment for parking areas and sidewalks
   5. Scale and north arrow
   6. Location of adjacent public/private streets, points of access and property boundaries
   7. Location of traffic directional arrows, signage and markings
   8. Location of loading areas, accessible spaces, and other special features
   9. Location of detention areas for drainage
   10. Location, height and type of proposed lighting
   11. Sight Distance Triangles at intersections

12-1206 DESIGN STANDARDS FOR PARKING SPACES
The following tables establish the minimum parking stall space and aisle dimensions for full size automobile spaces. 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.
[see Parking Stall Dimension Table]
PARKING STALL DIMENSION TABLE

<table>
<thead>
<tr>
<th>AMERICANS WITH DISABILITIES ACT PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Stalls</strong></td>
</tr>
<tr>
<td>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 ADA spaces.</td>
</tr>
<tr>
<td><strong>Access Aisle</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>Width of Stall</strong></td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>Height/Length of Stall</strong></td>
</tr>
<tr>
<td>18’</td>
</tr>
</tbody>
</table>

Note: ADA regulations may supersede the dimensional standards shown in this table. At the time of adoption, these standards meet the ADA requirements.

12-1207 GENERAL PROVISIONS

A. 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.

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

C. PARKING REDUCTION REQUEST
As part of a land use application, the applicant may submit a request for a reduction in parking requirements to the Planning Manager. The Planning Manager may allow reductions up to 10% of total required parking through an administrative land use process.
D. PRIVATE STREETS

Private Roadways with parking restrictions also follow Section 12-1208.01 for additional parking requirements.

12-1208 OFF-STREET PARKING BY LAND USE AND EQUIVALENCY UNIT

AUDITORIUM OR SIMILAR PLACE OF PUBLIC ASSEMBLY - THE GREATER OF:
1 space per three fixed seats, or
1 space per 100 square feet of floor area

BANK/CREDIT UNION/SAVINGS & LOAN
4 spaces per 1000 square feet of floor area, plus
6 stacking spaces per drive-up window

BAR/LOUNGE/NIGHT CLUB, OR SIMILAR PLACE OF ASSEMBLY
1 space per three seats, plus
1 space per employee on maximum shift

BEAUTY PARLOR/BARBER SHOP
3 spaces per operator, plus
1 space per employee on maximum shift

BOARDING HOUSE
1 Space per bedroom, plus
1 space per employee on maximum shift

BOWLING ALLEY
3 spaces per lane, plus
1 space per employee

CAR DEALERSHIP/RECREATIONAL VEHICLES OR BOATS SALES
1 space per 1,000 square feet of auto display area, plus
1 space per employee on maximum shift

CAR WASH/DETAIL SHOP
1 space per employee on maximum shift, plus
2 spaces per bay or stall

CHURCH (PLACES OF WORSHIP) - THE GREATER OF:
1 space per three fixed seats, or
1 space per 100 square feet of floor area

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
1 space per 333 square feet of office area

GROUP HOME
Youth: (18 years and younger)
2 spaces per home, plus
1 space per eight beds

Adult:
1 space per bedroom, plus
1 space per caregiver/employee

Elderly: (exclusive for persons 60 years or older)
.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 rooms

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- THE GREATER OF
1 space per 300 square feet of floor area, or
1 space per employee on maximum shift
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, plus

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

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
All residential development on private roads shall follow Section 12-1208.01 for additional parking requirements.

Single Family:
2 spaces per dwelling unit
Chapter 12 – Specific Regulations

_Single Family Attached:_
2 spaces per dwelling unit
0.25 guest space per unit

_Multi Family Dwelling:_
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

**RESTAURANT**
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

_Drive-in Restaurant_
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 1000 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 & PUBLIC**
_Preschool:_
1 space per each employee, plus
1 space per five children, plus
5 stacking spaces for loading and unloading
_Elémentary School:_
1 space per employee, plus
1 space per five seats in auditorium/assembly area

_Middle School: the greater of-_  
1 space per ten students, or
1 space per five seats in auditorium or main assembly area

_High School_
1 space per employee, plus the greater of:
1 space per ten students, or
1 space per five seats in auditorium/main assembly area

_College/University or Vocational School_
1 per employee, plus
1 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

12-1208.01 PARKING REQUIREMENTS ON PRIVATE ROADS
A. 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 than an alternative shall be provided that meets the Design Requirements for Private Road Guest Parking (Section 12-1208.02 All requirements for off-street parking from Section 12-1208 apply).
B. The on-street parking accommodation requirement may be modified through the provision for a Parking Reduction Request in Section 12-1207. All applicable Fire District and PWD Engineering requirements apply to parking requests.

12-1208.02 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.

12-1209 ADDITIONAL INFORMATION
12-1209.01 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.

12-1209.02 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.
12-1209.03 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.

12-1209.04 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.

12-1209.05 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.

SECTION 12-1300 LIGHTING REGULATIONS

12-1301 INTENT
The purpose of the outdoor illumination standards are to:
1. Provide adequate lighting for safety and security;
2. Reduce light pollution, light trespass, glare, sky glow impacts, and offensive light sources;
3. Prevent inappropriate, poorly designed or installed outdoor lighting;
4. Encourage quality lighting design, light fixture shielding, uniform light intensities, maximum lighting levels within and on property lines, and lighting controls;
5. Promote efficient and cost effective lighting and to conserve energy; and
6. Provide an environmentally sensitive nighttime environment that protects significant wildlife habitat.

12-1302 APPLICABILITY
The lighting standards contained in this Chapter shall apply to all exterior lighting, including illumination from outdoor signs and any interior lighting from buildings or structures that affect the outdoor environment, unless otherwise excepted or exempted herein. All uses that require Arapahoe County approval of a Final Development Plan, Master Development Plan, Administrative Site Plan, Subdivision Development Plan or Use by Special Review shall conform to these lighting standards.
1. Conformance at the Time of Building Permit Application: These requirements shall be met prior to a final inspection for any building permit for new development or any redevelopment in accordance with the appropriate process requirements for the application.
2. Replacement of Fixtures: If an existing non-standard light fixture is removed, it shall only be replaced with a conforming light fixture or fully shielded and mounted and in compliance with Illuminating Engineers Society of North America (IESNA) standards for full cut-off.
3. Replacement of Lamps: To the extent that compliance with this section can be achieved by replacement of a lamp within a light fixture, such lamp shall be replaced after failure of the lamp.
4. Single Family Detached Development: The lighting standards contained herein shall not apply to SFD except for the following: a) existing unshielded mercury vapor light fixtures shall be removed, replaced or shielded after failure of the lamp with light fixtures or shields that meet the requirements of this section, and b) all replacement lighting and lighting for new SFD development shall meet requirements for glare and light trespass as set forth in Section 12-
1301 and Section 12-1303. SFD on parcels consisting of 100 acres or larger and zoned A-E and A-1 shall be exempt from any of the lighting standards contained herein.

5. Exemptions: The standards of this section shall not apply to the following types of exterior lighting:
   a) Ornamental Lighting: Ornamental landscape lighting where the maximum wattage of any single light fixture does not exceed the equivalent of fifteen watts incandescent or one hundred lumens and is not used from 12:00 a.m. to dusk
   b) Strings of Light: Strings of light on residential properties shall be exempt from the requirements of this chapter.
   c) Aviation Lighting: Lighting used exclusively for aviation purposes. All heliport lighting shall be turned off when the heliport is not in use.
   d) Right-of-Way Lighting: Public lighting located within the right-of-way is exempt from these lighting regulations except for requiring full cut-off fixtures on luminaries greater than 3,200 lumens (section 24-82-902, C.R.S.)

12-1303 OUTDOOR LIGHTING DESIGN STANDARDS
For all lighting subject to these regulations, no person shall install or maintain any exterior lighting that fails to meet the requirements of this section. Exterior lighting shall meet the following design standards:

1. Shielded from View: The illumination from a lamp that emits more than 900 lumens shall be fully shielded from view from adjacent properties and public right-of-ways, except as otherwise permitted herein. Fixtures shall meet the IES standards for fully shielding, full cut-off and mounting of fixtures.

2. Light from Buildings and Signs: Illuminance levels shall not exceed 10 footcandles measured as initial horizontal illuminance, except as otherwise permitted herein. The initial illuminance level is measured following 100 hours of operation. The illuminance levels at building entrances and windows may exceed the maximum allowed by 100% to a distance of 5 feet from the building in order to accommodate light spillage from within the building and light from signage. The maximum outdoor illuminance level must be achieved at a distance of 10 feet from the building or use.

3. Maximum Initial Line-of-Sight Illuminance: PWD staff may request an analysis of line-of-sight on a case-by-case basis dependent on site conditions. The maximum initial line-of-sight illuminance is measured at the property line, measured five and one-half feet above grade aimed in a direct line of sight to the brightest light fixture visible from such point, shall not exceed 0.3 footcandles for non-residential or 0.1 footcandles on residential properties. The Planning Division Manager may waive this requirement if there are no residential uses abutting the subject site and/or the light trespass does not reach the property zoned or used for residential purposes at the time the light fixture is installed.

4. Light Source Requirements: All outdoor light fixtures should utilize one the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), high pressure sodium and LED. Alternatives are permitted provided they are authorized by the Planning Division Manager and meet the requirements for an Exception as detailed in Section 12-1303.01 based on IESNA (Illuminating Engineers Society of North America) recommendations.

5. Signs: Pan channel signs (letters only) shall not exceed maximum luminance ratings (unit of brightness). Enforcement will occur on a complaint basis for LED or luminance greater than 1000 candela per meter squared or 1000 nits. All lighting of signage shall comply with the adopted Signage Regulations (Section 12-300).

6. Standards for Lights adjacent to Property Zoned Residential or Next to Public Right-of-Way: Any light fixture located within fifteen feet from a property line within or next to a residential zoning district, or within ten feet of a public right-of-way shall be:
a) Aimed away from the property line or right-of-way;
b) Classified as a IESNA Type III or Type IV; and
c) Shielded on the side facing the residential property or public right-of-way.

7. **Maximum Light Fixtures on Poles:** There shall be no more than two light fixtures per pole except for sports lighting and lighting for public recreational facilities.

8. **Canopy lighting:** Lighting fixtures mounted on canopies shall be installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy and parallel to the ground. A full cut off light fixture may project below the underside of a canopy. All light emitted by an under canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. No lighting except that permitted by the sign ordinance, shall be permitted on the top or sides of a canopy.

9. **Flag Poles:** A flagpole may be illuminated by one upward aimed fully shielded spotlight light fixture which shall not exceed 3500 lumens (50 watts metal halide). The light fixture shall be placed as close to the base of the flagpole as reasonably possible.

10. **Strings of Lights:** No person shall use a string of lights on property with non-residential uses except for the following:
    a. Strings of lights may only be used if:
       i. They are approved by the Planning Division Manager as part of an outdoor illumination plan or landscape plan approved by the Planning Commission and/or Board of County Commissioners. Such plan must comply with all of the standards of these regulations. The use of such lighting shall be to create ambiance and pleasing pedestrian spaces in an energy efficient manner. Low wattage or low voltage fixtures and luminaries are required. Such lighting is limited to pedestrian areas including plazas, patios, landscape features, and primary entries into buildings. No such illumination is allowed in any required landscaped setback adjacent to a street; or
       ii. For lighting displays from the last Thursday in November through the last Thursday in January.

### 12-1303.01 EXCEPTIONS

The Planning Division Manager or designee is authorized to grant exceptions to these regulations in accordance with the following standards:

A. **Equivalent Material:** The Division Manager may approve any such alternate provided that the proposed design, material or method provides an approximate equivalent method of satisfying the standards of these regulations and comply with IESNA recommendations.

B. **Exceptions:** The Division Manager may grant an exception from the provisions of this section if the Division Manager finds that:
   1. There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the exception is sought, which circumstances or conditions are unique to such land, buildings or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the subdivision;
   2. The granting of the exception will generally be consistent with the purpose of this section and will not be injurious to the subdivision or otherwise detrimental to the public welfare; and
   3. The exception is a minimum change that provides the relief requested.

C. **Temporary Lighting Exemption:** The Division Manager may grant an exception from the requirements of this section for temporary structures and uses that comply with Sections 12-500 and 12-600 of the Zoning Regulations, if the Division Manager finds the following:
   1. The proposed lighting is designed in such a manner as to minimize light trespass and glare as described in Section 12-1301.
12-1304  SUBMITTAL PROCESS
When a lighting plan is necessary through a FDP, MDP, ASP, SDP or USR, the submittal requirements are
determined by those regulations. When an approved PDP, ASP, FDP, SDP or USR does not adequately
address lighting, these regulations shall govern. When an application is not part of a formal subdivision or
zoning application and is being processed through the building permit process, the following standards and
process will be required.

12-1305  SUBMITTAL REQUIREMENTS
A. These requirements may be modified as deemed necessary by the Planning Division Manager or
designee.
B. Lighting plan requirements:
   1. A site plan showing the location of all buildings and building heights, parking, and pedestrian
      areas on the lot or parcel;
   2. The location and description including mature height of existing and proposed trees;
   3. The location and height above grade of all light fixtures including building mounted fixtures;
   4. The type and lumen rating and wattage of each lamp source;
   5. The general style of the light fixture such as cut-off, lantern, coach light, globe, and a copy of
      the manufacturers catalog information sheet and IESNA photometric distribution type,
      including any shielding information such as house side shields, and internal and exterior
      shields;
   6. Control descriptions including type of controls (timer, motion sensor, time clock, etc.), the
      light fixtures to be controlled by each type, and control schedule. How lights shall be
      controlled during post-curfew hours must be addressed in the plan;
   7. Aiming angles and diagrams for sports lighting light fixtures;
   8. A photometric plan, which shows the initial horizontal illuminance on a ten feet by ten feet
      minimum grid across the entire site and a minimum of ten feet beyond the lot or parcel
      property line. The grid shall also indicate maximum to minimum uniformities for each
      specific use area such as parking and circulation areas, pedestrian areas, and other common
      public areas; and
   9. If required by staff, a lighting calculation indicating “Maximum Initial Line-of-Sight
      Illuminance” as described in Section 12-1303 (3).

12-1306  DESIGN REQUIREMENTS
The style, color and design of the fixtures shall be compatible with the overall design concept and use of
materials for the building, site and area of the lighting plan.

12-1307  INSTALLATION AND MAINTENANCE STANDARDS
A. Operation and maintenance cost of the lighting system shall be the responsibility of the property
   owner.
B. Requirements for maintenance shall include replacement of bulbs and light fixture, regular
   cleaning and replacement of light fixtures as needed.

12-1308  HOURS OF OPERATION
A. Standards for the Operation of Light Fixtures: All light fixtures shall operate in accordance with
   the requirements of this section.
   1. Pre-curfew: Pre-curfew light levels shall meet the standards specified in Section 12-1309.
   2. Post-curfew: Post-curfew light levels shall meet the standards specified in Section 12-1309.
      Post-curfew lights shall be operated as follows:
a) **When Lights are to be Turned Off:** Lights shall be controlled by automatic timers and turned off by 10:00 PM or within one hour of the close of the facility unless otherwise stated in the chart. After 10:00 p.m., controls such as motion sensors are required during post-curfew hours. Motion sensors or timers may also be used to activate additional lighting during emergency situations.

b) **Parking Lot Light Fixtures:** All parking lot light fixtures, except the minimum necessary for security, shall be extinguished by 10:00 p.m. or within one hour after the close of the facility, and remain extinguished until dusk or one hour prior to the commencement of business, whichever is later. Security levels may include one of the following as determined by the Planning Division Manager: 1) no more than one footcandle, 2) 80% reduction in light level, or 3) one pole mounted fixture near the main entrance(s).

c) **Non-Essential Lighting:** All non-essential lighting shall be turned off after the close of business or 10:00 p.m. whichever is more restrictive. Non-essential lighting includes but is not limited to lighting of landscaping, architectural features, tennis courts, ball fields, etc.

### 12-1309 MAXIMUM LIGHTING STANDARDS

A. No person shall operate any device, which makes light in excess of the levels specified in this section. Light from any light fixture shall not exceed any of the following limits for its appropriate zoning district classification or use classification set forth in the table below. Any request to vary from these standards must be approved through Section 12-1303.01 for an Exception. In the event an applicant requests lighting levels at the higher levels specified by any use classification, such area shall use the minimum amount of light necessary to light only the use area. The remaining area on such a property shall use the lower standards for the zoning district classification.

B. The following charts specify the lighting criteria based upon general land use categories. The land uses are divided between the Urban Service Area, Rural Area, and Eastern Community Planning Areas as defined by the Comprehensive Plan.

#### Urban Service Area

<table>
<thead>
<tr>
<th><strong>Maximum initial horizontal illumination</strong></th>
<th><strong>5 f.c. building entries and parking lots</strong></th>
<th>**10 f.c. building entries and parking lots, 20 f.c. under canopies, 20 f.c. on a <strong>limited basis.</strong></th>
<th><strong>10 f.c. building entries and parking lots</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum initial lamp lumens rating for all cut-off luminaries</strong></td>
<td><strong>3,500 lumens or 8500 lumens for six or more parking spaces</strong></td>
<td><strong>21,500 lumens or 24,000 lumens for 5 acre parking lots or greater</strong></td>
<td><strong>13,500 lumens</strong></td>
</tr>
<tr>
<td><strong>Post-curfew maximum initial horizontal illuminance rating</strong></td>
<td><strong>Entry lights may be left on. All other lighting except for parking lot and pedestrian circulation in commons areas shall be turned off</strong></td>
<td><strong>Landscape, building façade and non-circulation lighting shall be turned off. Parking lots with more than 2 poles and</strong></td>
<td><strong>Landscape, building façade, and non-circulation lighting shall be turned off. Parking lots with more than 2 poles and</strong></td>
</tr>
</tbody>
</table>
pedestrian circulation lighting shall be reduced to *security levels.

<table>
<thead>
<tr>
<th>Controls</th>
<th>Required post curfew</th>
<th>Required post curfew</th>
<th>Required post curfew</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum allowable pole height</strong> (includes base and luminaries)</td>
<td>20 feet in parking lots 15 feet in all other areas</td>
<td>25 feet in parking lots (35 feet for parking lots of 5 or more acres in size) 20 feet in all other areas</td>
<td>20 feet in parking lots within or adjacent to residential zones, otherwise 25 feet</td>
</tr>
</tbody>
</table>
### Urban Service Area/Rural Area/Eastern Community Planning Areas

<table>
<thead>
<tr>
<th></th>
<th>Parking structures/covered parking use</th>
<th>Private Recreation</th>
<th>Public Recreation Use</th>
<th>Emergency Facility Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum initial horizontal illumination</strong></td>
<td>10 f.c. within structure and at vehicle and pedestrian entries. 50 f.c. at the entrances for up to 20 feet during daylight hours. 5 f.c. for uncovered portions of parking areas and external pedestrian circulation areas.</td>
<td>The lesser of 30 f.c. or the IESNA standards for the specific sports venue. 5 f.c. in parking lots and pedestrian areas</td>
<td>The lesser of 50 f.c. or the IESNA standards for the specific sports venue. 5 f.c. in parking lot and pedestrian areas.</td>
<td>5 f.c. at bldg. Entries, under canopies and emergency parking areas. 5 f.c. in parking lots and pedestrian circulation areas</td>
</tr>
<tr>
<td><strong>Maximum initial lamp lumens rating for all cut-off luminaries</strong></td>
<td>13,500 lumens</td>
<td>23,000 lumens for sports field 8500 lumens in other areas</td>
<td>107,000 lumens (sports fields only) 13,500 lumens in other areas</td>
<td>8500 lumens</td>
</tr>
<tr>
<td><strong>Post-curfew maximum initial horizontal illuminance rating</strong></td>
<td>Same as pre-curfew except that all non-circulation and non-parking area lighting shall be turned off.</td>
<td>No lighting except that for minimum *security levels permitted after curfew</td>
<td>Sports field or court lighting to be turned off 30 minutes after last event. 3 f.c. max for pedestrian circulation and parking areas for a maximum of one hour after last event. *security levels thereafter.</td>
<td>Same as pre-curfew except landscape, recreational and non-circulation lighting shall be turned off</td>
</tr>
<tr>
<td><strong>Controls</strong></td>
<td>Automatic day-light controls required</td>
<td>Required post curfew</td>
<td>Required post curfew</td>
<td>Required post curfew</td>
</tr>
<tr>
<td><strong>Maximum allowable pole height (includes base and luminaries)</strong></td>
<td>15 feet on uncovered upper parking levels</td>
<td>20 feet in residential zones, 25 feet in all other zones.</td>
<td>20 feet in parking lots that are within or adjacent to residential zones, otherwise 25 feet</td>
<td></td>
</tr>
</tbody>
</table>

*Security levels may include one of the following as determined by the Planning Division Manager: 1) 1 f.c. or less, 2) 80% reduction in lighting equipment left on, or 3) one pole mounted fixture near the main entrance(s).

**A limited basis may include a main feature such as the front row of vehicles, a highlighted vehicle on a pad, retail canopies similar to gas stations and fast food canopies as long as the lighting equipment is full cutoff.
### Rural Area/Eastern Community Planning Area

<table>
<thead>
<tr>
<th></th>
<th>1) Single Family/Attached Multi-family residential</th>
<th>2) Commercial, office, industrial-B-1,B-3, B-4, I-1, I-2, MU</th>
<th>3) Public &amp; semi public use- schools, churches</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum initial horizontal illumination</strong></td>
<td>5 f.c. building entries and parking lots</td>
<td>5 f.c. building entries and parking lots, 15 f.c. under canopies</td>
<td>5 f.c. building entries and parking lots</td>
</tr>
<tr>
<td><strong>Maximum initial lamp lumens rating for all cut-off luminaries</strong></td>
<td>3,500 lumens</td>
<td>13,500 lumens (250 watts on 35 foot poles)</td>
<td>8,500 lumens</td>
</tr>
<tr>
<td><strong>Post-curfew maximum initial horizontal illuminance rating</strong></td>
<td>Entry lights may be left on. All other lighting except for parking lot and pedestrian circulation in commons areas shall be turned off</td>
<td>Landscape, building façade and non-circulation lighting shall be turned off. Parking lots with more than 2 poles and pedestrian circulation lighting shall be reduced to <em>security levels.</em></td>
<td>Landscape, building façade, and non-circulation lighting shall be turned off. Parking lots with more than 2 poles and pedestrian circulation lighting shall be reduced to <em>security levels.</em></td>
</tr>
<tr>
<td><strong>Controls</strong></td>
<td>Required post curfew</td>
<td>Required post curfew</td>
<td>Required post curfew</td>
</tr>
<tr>
<td><strong>Maximum allowable pole height (includes base and luminaries)</strong></td>
<td>20 feet in parking lots 15 feet in all other areas</td>
<td>25 feet in parking lots (35 feet for parking lots of 5 or more acres in size) 20 feet in all other areas</td>
<td>20 feet in parking lots within or adjacent to residential zones, otherwise 25 feet</td>
</tr>
</tbody>
</table>

*Security levels may include one of the following as determined by the Planning Division Manager: 1) 1 f.c. or less, 2) 80% reduction in lighting equipment left on, or 3) one pole mounted fixture near the main entrance(s).*

**A limited basis may include a main feature such as the front row of vehicles, a highlighted vehicle on a pad, retail canopies similar to gas stations and fast food canopies as long as the lighting equipment is full cutoff.

### SECTION 12-1400 LANDSCAPING REGULATIONS

#### 12-1401 INTENT
To provide landscape standards which visually enhance developments and provide a more compatible and aesthetic atmosphere. Landscaping will improve the livability of residential neighborhoods, enhance the appearance and customer draw of commercial areas, buffer land uses, improve compatibility of adjacent land uses, increase property value, screen undesirable views and contribute to the image and appeal of the overall community. Sensitive site design ensures that a reasonable balance is struck between the rights of the individual to develop and maintain their property and the rights of the community to live, work, shop and recreate in a pleasant and attractive surrounding.

#### 12-1402 APPLICABILITY
These landscape standards apply to all development included in a Final Development Plans, Administrative Site Plans, Use By Special Review applications, or Subdivision Development Plan.
However, general landscape criteria are established with the PDP. All open space shall be landscaped. Individual lots within a single family detached (SFD) development are excluded from these landscaping requirements as well as any development in the A-2, A-1, R-A, A-E and R-1 zone districts. Landscaping requirements shall apply within residential developments for landscape tracts, parks, perimeter buffers or other areas as determine by these regulations.

12-1403 GENERAL INFORMATION

12-1403.01 Landscaping is the treatment of pervious surfaces with organic/inorganic plant materials such as grass, ground cover, trees, shrubs, ornamental clump grasses and other horticultural materials. The plan may include other decorative surfacing such as wood chips, crushed stone or other mulch materials.

12-1403.02 Where there is significant existing vegetation on site, staff may require an inventory of plant material. Existing trees shall be saved on the property unless otherwise approved through the review process.

12-1403.03 Xeriscape plant materials are strongly encouraged. All landscape material shall be in compliance with the standards of the American Association of Nurserymen. All plant material shall have a habit of growth that is normal for the species and shall be of sound health, vigorous growth, and free from insect pests, diseases and injuries. All plants shall equal or exceed the measurements specified on the plan.

12-1403.04

A. All planting materials and methods must be approved by the Arapahoe County Weed Control Inspector. Weed control methods may need to be employed prior to construction and/or the installation of the landscape plan.

B. The following list of drought-tolerant plant material are suggestive of the range of choices available. Listings are taken from the complete Denver Water Board’s drought–tolerant plant listings, which are supported by Arapahoe County. For an extensive list of such plant materials, refer to the Denver Water Board’s current list:

<table>
<thead>
<tr>
<th>Turf Grasses:</th>
<th>Deciduous Trees:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Grama</td>
<td>Ash, Marshall’s Seedless</td>
</tr>
<tr>
<td>Buffalo Grass</td>
<td>Ash, Summit</td>
</tr>
<tr>
<td>Crested Wheatgrass</td>
<td>Chokecherry, Canada Red</td>
</tr>
<tr>
<td>Smooth Brome</td>
<td>Honey Locust, Skyline</td>
</tr>
<tr>
<td>Turf Type Tall Fescue</td>
<td>Maple, Amur</td>
</tr>
<tr>
<td>Any approved native seed mix *</td>
<td>Plum, Newport</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Deciduous Shrubs &gt; 6’</th>
<th>Deciduous Shrubs &lt;6’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada Red</td>
<td>Chokecherry, Burning Bush</td>
</tr>
<tr>
<td>Cranberry, High-bush American</td>
<td>Currant, alpine</td>
</tr>
<tr>
<td>Lilac, common</td>
<td>Dogwood, variegated</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Evergreen Trees</th>
<th>Deciduous Shrubs &lt;6’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pine, Austrian</td>
<td>Spirea, Anthony Waterer</td>
</tr>
<tr>
<td>Pine, Scotch pine</td>
<td></td>
</tr>
<tr>
<td>Pine, Ponderosa</td>
<td></td>
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<tr>
<td>Pine, Pinion</td>
<td></td>
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<tr>
<td>Juniper, Rocky Mountain</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Evergreen Shrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juniper, buffalo</td>
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<tr>
<td>Juniper, tam</td>
</tr>
</tbody>
</table>
**Ground Cover**
- Hen and Chicks
- Periwinkle
- Creeping Phlox
- Snow-in-summer
- Goldmoss Sedum-Stonecrop
- ‘Dragon’s Blood’ Sedum

**Sub-Shrub Ground Cover**
- Creeping Mahonia
- Blue Chip Juniper
- Hughes Juniper

**Vines**
- Western Clematis
- Hall’s Honeysuckle
- Virginia Creeper
- Greenleaf Wintercreeper
- Purpleleaf Wintercreeper

**Ornamental Grasses**
- Big Bluestem
- Japanese Blood Grass
- Plume Grass

* An approved native seed mix is an appropriate seed mix that is supported by the Soil Conservation Districts or any other landscaping authority.

This list is derived from the extensive list of drought-tolerant plants provided by the Denver Water Board. All plants on the extensive list are recognized by Arapahoe County. In addition, with the assistance of the Soils Conservation District, the County will also consider any other drought tolerant native/adaptive species on a case-by-case basis. Should a plant/tree be designated a noxious weed, it will automatically be removed from the recommended drought-tolerant plant listings.

**12-1403.05**
The use of weed free seed, gravel or fill dirt is required as approved by the Arapahoe County Weed Control Inspector. The use of competitive grasses, shrubs or trees that provide sufficient ground cover may be required where weed problems already occur or may occur in the future. Plant species that appear on the Colorado State Noxious Weed lists are unacceptable for use in proposed landscaping.

**12-1403.06**
The open space and landscape requirements stated herein are in addition to any public land dedication requirements, unless otherwise determined by the Board of County Commissioners.

**12-1404 AREAS TO BE LANDSCAPED**
Landscaping for private and public parks shall comply with Section 12-1400 herein.

A. All portions of a site not occupied by structures, water bodies, streets, roads, driveways, sidewalks, plazas, patios, parking areas and other vehicle use areas are required to be landscaped in accordance with these standards unless excluded in Section 12-1400 above.

B. For undeveloped areas with natural vegetation, up to 50 percent of the natural area may be allowed to count toward the minimum requirement, as determined by the Planning Division Manager. The percentage of these areas eligible to partially satisfy the minimum requirement will be determined based upon its effectiveness to function as a buffer and enhance the visual and natural attributes of the site.
C. All development sites, excluding single family detached development, shall feature consistently landscaped areas along the front, sides and rear property lines. At the discretion of the Planning Division Manager, exceptions may be made for situations such as attached structures that cross property lines, property lines that lie within the extents of paved roadways, and other unanticipated situations as long as the resulting plan meets the intent of these regulations by providing a complete landscape design which will visually enhance developments and provide a more compatible and aesthetic atmosphere as required in Section 12-1401 of these requirements.

D. A 20-foot landscape buffer is required where non-residential development abuts residential development.

E. Drainage easements and detention ponds may be included as landscaped or other open space areas upon approval by the PWD Department. Detention ponds with earthen walls and maximum 4:1 slope are the preferred design. However, when required by site constraints, other design solutions may be submitted to the PWD Department for approval.

12-1405 AREAS THAT DO NOT QUALIFY AS LANDSCAPING

A. Paved portions of parking lots, open air showrooms, outdoor display areas, roads or service areas at, above or below ground level.

B. The portion of pedestrian and/or bike paths as well as sidewalks that are crossed by motor vehicle circulation routes.

C. Paved medians including concrete, asphalt, brick, decorative pavers, etc. (See Streetscape Guidelines in Section 12-1400 herein).

D. Public rights-of-way shall be excluded only when planned for future widening per PWD Department standards.

12-1406 LANDSCAPING REQUIREMENTS

A. Within a required landscaped area for residential development, the following ratios apply for single family detached, single family attached and multifamily development:
   1. Lots 3,999 square feet (R-PSF) to 5,000 square feet as an average lot size require one (1) tree and ten (10) shrubs or an acceptable combination of trees and shrubs per 2,000 square feet of landscaped area.
   2. Lots less than 3,999 square feet as an average require one (1) tree and ten (10) shrubs per 1,000 square feet of landscaped area.
   3. These ratios of trees and shrubs may include an acceptable combination of trees and shrubs for the area required to be landscaped. A determination for landscape ratios will be made on a case-by-case basis for landscape tracts (including rights-of-way) within filings that include residential development with mixed densities based upon the location and use of the tract.

B. Within a required landscaped area for commercial, industrial and business development, the following ratios apply:
   1. One (1) tree and ten (10) shrubs, or an acceptable combination of trees and shrubs, for every 1,000 square feet of landscaped area.
   2. Ornamental clump grasses may be exchanged for up to fifty percent of the required shrubs at a ratio of three ornamental clump grasses for one shrub if one gallon clump grasses are selected.
3. Ornamental clump grasses may be exchanged for up to fifty percent of the required shrubs at a ratio of one ornamental clump grass for one shrub if five gallon clump grasses are selected.

C. Proposed open space quantities above the minimum requirements (per Section 13-100 Land Development Code) shall be excluded from the requirements of Sections 12-1406.01 and 12-1406.02 listed above. Landscaping may be required based upon the intent of these regulations and will be reviewed on a case-by-case basis by the PWD Department.

D. All required landscaped areas shall be served by a functioning automatic irrigation system unless otherwise approved by the PWD Department.

E. Minimum requirements stated herein may be modified based upon the proposed use, design of adjacent uses, and overall impact and scale of the project.

F. The landscaping materials shall be distributed throughout the landscaped areas in order to avoid over massing of plant materials or obstructing views determined important through the development review process. Trees and shrubs shall be configured in appropriate groupings.

G. Any landscaping around a fire hydrant shall be placed such that a three foot clear space is maintained at all times.

H. Landscaping shall be protected from vehicles by the placement of wheel stops, curbs or other acceptable means.

I. Temporary irrigation methods shall be required when native seed mixes or other low water plantings are utilized requiring temporary irrigation.

12-1407 PLANT SPECIFICATIONS

The following minimum sizes apply wherever landscaping is required:

<table>
<thead>
<tr>
<th>PLANT SPECIFICATIONS</th>
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</thead>
<tbody>
<tr>
<td>Trees</td>
</tr>
<tr>
<td>Deciduous Trees*</td>
</tr>
<tr>
<td>Ornamental Trees</td>
</tr>
<tr>
<td>Coniferous Trees</td>
</tr>
<tr>
<td>Shrubs</td>
</tr>
<tr>
<td>Ornamental Clump Grass</td>
</tr>
<tr>
<td>Groundcover</td>
</tr>
</tbody>
</table>

*Russian Olive trees are prohibited on landscaping plan.*
12-1408 LANDSCAPE PLAN

The landscape plan shall be prepared at a scale that allows for maximum clarity of the proposal and must be approved by the staff planner. The landscape plan is one or more sheets included in the FDP, ASP, SDP or USR document.

A. Dimension all easements, pedestrian walkways and pedestrian-oriented areas (existing and proposed), and types of surface materials.

B. Delineate the total gross square footage of the total planting area, including areas to be maintained in a natural state (undeveloped) and/or established with native seed.

C. Draw plant materials at three-fourths of mature size.

D. Identify common and botanical names, size and quantities of materials to be used. Identify trees, shrubs, lawn areas and groundcover areas (organic and inorganic). Provide explanations of any substitutions requested to meet required amount of landscaping materials.

E. Identify and show dimensions of all landscape elements including fences, walls, border edge treatments, berms, water features, bike racks, trash enclosures, street furniture and recreational facilities, as applicable. Details of landscape features or structures may be required on the landscape plan as determined by the PWD Department.

F. In order to preserve significant natural vegetative areas, trees, wildlife habitat and landscape features, the landscape plan shall locate and identify and when necessary dimension these natural features in accordance with PWD Department requirements. A tree preservation plan with specific construction limits and protective fencing and mulching may be required.

G. Show planting details, including typical methods of planting.

H. Delineate existing and proposed grades with 1-foot contours.

I. Indicate sources of irrigation water and types of irrigation used. This may be provided on a separate 8.5” x 11” sheet included with the site plan narrative. If source is a private well, provide evidence of landscape irrigation rights. Information regarding specific design techniques used to prevent water infiltration or damage at the street section may be requested by the PWD Department.

J. In the event the site is served by a well which prohibits landscape usage, a waiver of the landscape requirements noted herein will not be granted. The applicant will be required to obtain an off-site water source with acceptable documentation. Landscaping shall comply with Section 12-1400 herein.

K. Landscaping shall comply with the requirements for sight distance triangles in accordance with Arapahoe County Streetscape Guidelines, Section 18-100 herein.

L. All landscaping within the County rights-of-way, or landscaping close enough to affect the horizontal or vertical clearance of the right-of-way, shall comply with the Arapahoe County Roadway Design and Construction Standards and the Arapahoe County Storm Drainage Design and Technical Criteria Manual.
12-1409 REQUIREMENTS WITHIN COUNTY RIGHTS-OF-WAY AND MEDIANS

All landscaping within the County rights-of-way and medians shall comply with the Arapahoe County Streetscape Guidelines stated in Section 18-100 of this document. The types, sizes and locations of landscape materials and features will be established during development review by the PWD Department. Medians and rights-of-way must comply with the following:

A. The landscaping of any County rights-of-way or median associated with a residential development project based upon an approved landscape plan shall begin prior to the issuance of building permits for 20% of the dwelling units approved in the project.

B. Plant materials are required based upon Section 18-100 listed above.

12-1410 REQUIREMENTS WITHIN DETENTION AREAS

All development within a detention area shall be approved by the PWD Department in order to ensure compliance with approved drainage plans. Regional detention facilities are exempt from these requirements unless otherwise determined by the Board of County Commissioners. Within detention areas, the following types and quantities of plant materials and other improvements shall be required in accordance with the PWD Department review:

A. A functioning, automatic irrigation or a temporary irrigation method when native seed mixes or other low water plantings are utilized requiring temporary irrigation.

B. Natural and/or man made landscaping features including grass seed mix or other ground cover approved during the development process for type, size, quantity and location.

C. The installation of trees, shrubs and drought tolerant grasses of a species and quantity approved by the County.

D. Development projects abutting residential lots may require fencing as determined by the PWD Department.

E. In instances where on-line detention areas are located in the 100-year flood plain, landscaping requirements may be adjusted to the specific requirements of the Urban Drainage and Flood Control District.

F. Access to the detention pond shall be secured for maintenance purposes.

12-1411 MAJOR DRAINAGEWAYS

Major drainageways (basin tributary area of 130 acres or more per Urban Drainage and Flood Control District requirements) shall be maintained in the natural topography of the channel and piping or channels with side slopes exceeding 4:1 will not be allowed to convey the drainage.

12-1412 REQUIREMENTS WITHIN PUBLIC AND PRIVATE PARKS

Public park requirements for landscaping improvements will be established during the development review process, which includes the agency/district receiving the park. Private parks shall be located and configured to serve as useable park area with the following improvements:

A. A minimum of one (1) tree and ten (10) shrubs, or five (5) trees and no shrubs, for every 5,000 square feet of area.

B. A functioning automatic irrigation system.
C. Natural and/or man made landscaping features including turf grass sod, grass seed mix or other ground cover, of types, sizes, quantities and in locations approved by the development process.

D. The County may additionally require trails, lights, parking lots, playgrounds, play courts, benches, signs and other amenities suitable for the developed open space.

E. The landscaping of all parks within a residential development project shall be completed prior to the issuance of building permits for more than 50% of the dwelling units approved in the project unless otherwise approved by the Board of County Commissioners. Any failure to complete the required landscaping by the deadlines specified herein shall result in withholding of Certificates of Occupancy until compliance with the requirement occurs.

F. In instances where parks are located in the 100-year flood plain, landscaping requirements may be adjusted to the specific requirements of the Urban Drainage and Flood Control District and the Arapahoe County Engineering Division.

G. All parks shall be designed to blend with adjacent areas. Slopes shall not exceed 4:1 unless specifically allowed by the PWD Department.

12-1413 ENFORCEMENT OF LANDSCAPING REQUIREMENTS
No certificate of occupancy for any structure located on property where landscaping is required shall be issued unless all landscaping has been satisfactorily installed. Prior to the issuance of certificate of occupancy, all landscaping shall be inspected by the County for compliance with the approved landscape plan.

A. In cases where the property owner desires to occupy a building prior to completion of all landscaping, the County may issue a certificate of occupancy for the building. However, no outdoor storage shall be permitted until all landscaping has been completed. In order to obtain a certificate of occupancy prior to completion of all landscaping, the property owner shall enter into an agreement with the County, providing for the completion of all landscaping by the property owner within a specified period of time, not to exceed six months from the date of issuance of the certificate of occupancy. Said agreement shall also require the property owner to provide acceptable collateral to the County in form of a letter of credit, cash or certified funds guaranteeing satisfactory completion of all landscaping. If a letter of credit is used, it shall be in the same format as required for a subdivision improvement agreement. The amount of collateral shall be in an amount equal to 115% of the estimated cost of landscaping and shall be based on a cost estimate of labor and materials prepared by a qualified professional. Upon written request of the property owner, the Planning Division Manager may grant one extension to the term of the agreement, not to exceed 6 months, for good cause shown, provided that the collateral is also extended for that period of time.

B. The collateral held by the County shall be released when it has been determined by the County that all landscaping has been satisfactorily completed. If the property owner has failed to install the required landscaping within the period of time specified in the landscaping agreement, the County shall use the collateral to complete the required landscaping.

C. The property owner shall be responsible for the maintenance of all required landscaping, on private property, including but not limited to, weeding, watering, fertilizing, pruning, mowing and removal of litter. The property owner shall be responsible for the replacement of all dead, diseased or substantially damaged plant materials with the same or similar type as set forth in the
approved landscape plan. Replacement shall occur within the next planting season and shall not, in any event, exceed one year.

D. The County and Developer may enter the following Agreement to guarantee completion of landscaping requirements by providing collateral to obtain a Certificate of Occupancy prior to completion of all landscaping.

LANDSCAPING AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____________, 20___, by and between _______________________ (hereinafter referred to as "Developer") and Arapahoe County.

WHEREAS, Section 12-1413 of the Arapahoe County Land Development Code requires that all landscaping be completed prior to the issuance of a certificate of occupancy; and

WHEREAS, the above section allows a developer to obtain a certificate of occupancy and to occupy a building prior to the installation of all required landscaping by providing collateral guaranteeing such installation; and

WHEREAS, the Developer is the owner of property subject to the County's landscaping requirements and located at ___________ _______________________________ (street address) and more particularly described as ____________________________ __________ (legal description); and

WHEREAS, the Developer has not completed all landscaping and wishes to provide collateral to obtain a certificate of occupancy prior to completion of all landscaping; and

NOW, THEREFORE, the parties hereto agree as follows:

1. The Developer shall construct and install, at its own expense, all of the required landscaping as set forth in the approved Landscape Plan and more particularly described in Exhibit A, attached hereto and incorporated by reference herein.

2. To secure and guarantee performance of the Developer's landscaping obligations as set forth herein, the Developer agrees to provide the County with collateral in the form of ______________________ in the amount of $__________, 115% of the estimated cost of labor and materials for the required landscaping. The estimated cost is attached hereto and incorporated by reference herein as Exhibit B. The term of the above collateral shall be a period of at least one year from the date of this Agreement.

3. The Developer agrees to complete the installation of all required landscaping as set forth herein by no later than ______________________.

4. Upon installation of the landscaping required by the approved Landscape Plan and inspection by the County to confirm compliance with said Plan, the County shall release the collateral provided by the Developer.
5. In the event the Developer fails to install all of the landscaping within the above specified period of time, the Developer authorizes the County to use the collateral deposited with the County to install all required landscaping and further grants the County, and its authorized agents, permission to enter onto the subject property to install such landscaping.

Developer: __________________________________
By: ________________________________________
____________________________________________(Title)

STATE OF COLORADO  )
) ss.
COUNTY OF __________)

Subscribed, sworn to and acknowledged before me this _____ day of _______________, 20___,
by _______________________ of ______________________________.

Witness my hand and official.

My commission expires: __________________________

________________________________
Notary Public

ARAPAHOE COUNTY

By:__________________________
Dave Schmit, P.E.
Director of PWD

SECTION 12-1500  EXPLOSION WELDING, CLADDING OR METALLURGICAL BONDING OF METALS

12-1500  INTENT
To provide regulations pertaining to the process of explosion welding, cladding or metallurgical bonding of metals, or other uses of the same general character which would have similar shock, dust and noise characteristics.

12-1501  REQUIREMENTS
Explosion welding, cladding or metallurgical bonding of metal activities is subject to the following performance standards:
A. The use shall not be permitted within four miles of a regularly inhabited residential structure which existed as of the date of the filing on an application for a Special Exception Use permit, unless all owners of residential structures located within four miles of the proposed site of the use have waived, in writing, any objection to the site of the use.

B. The dust and pollutants emitted by the use must meet the rules and regulations established by the Colorado Department of Health - Air Pollution Control Division.

C. The use must limit the detonation of explosives to weekdays between the hours of 9:00 a.m. and 5:00 p.m.

D. The transportation of blasting agents and explosives to or from the site of the use and storage of such materials shall be in compliance with all applicable state and federal regulations. On County roads or streets commonly used by school buses or public transit, transportation of blasting agents and explosives in excess of 100 pounds to or from the site of the use shall only be permitted between the hours of 9:00 a.m. and 2:30 p.m.

E. At a radius of four linear miles from the site of the use and beyond, sound and air overpressure levels generated by the use shall not exceed 65 Db(L), measured with equipment having a lower frequency for flat response of from 2.0 to 6.0 hertz with a variation from linear response of no more than +4dB.

F. To prevent possible damage to adjacent property without compensation, the applicant must provide legal documentation that all property owners within one-half mile of the site, the outer limits of the area designated for blasting, have reached agreement with the applicant on the operation designated in the Special Exception Use.

G. A referral shall be made to the F.A.A. for whatever precautions they deem necessary prior to the Board of Adjustment hearing.

H. A referral shall be made to the PWD Engineering Services Division for their investigation as to possible damage to roads and bridges the granting of the Special Exception Use would cause prior to the Board of Adjustment hearing.

SECTION 12-1600   BED AND BREAKFAST STANDARDS

12-1600  INTENT
To provide regulations pertaining to the location, appearance, and operation of bed and breakfast lodgings and accommodations.

12-1601  REQUIREMENTS
In addition to the requirements for a special exception use, all bed and breakfast inns shall be subject to the following standards:

A. Maintain a Residential Appearance - Structures shall not be altered in a way that changes their general residential appearance.

B. Owner On Premises - The owner or on-site manager shall live on the premises when the bed and breakfast inn is in operation.
C. On-Site Parking - A minimum of one (1) parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with Section -4600. Additional parking shall be required if reception or party space is available. If four (4) or more off-street parking spaces are provided, visual screening (fence, wall, evergreen landscaping, or combination thereof) from adjacent residential uses may be required.

D. Signs – Signs shall be allowed in accordance with the Sign Regulations, Section 1-3700 of the Land Development Code.

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

F. Limits on Tenancy - No long-term rentals shall be permitted. The maximum length of stay shall be thirty (30) days. No cooking facilities, other than a microwave, shall be allowed in the guest rooms.

SECTION 12-1700  AMATEUR MOTORSPORTS FACILITY

12-1700  INTENT
To provide regulations pertaining to Amateur Motorsports Facilities.

12-1701  REQUIREMENTS
Amateur Motorsports Facilities are subject to the following performance standards:

A. The facility may not be less than 100 acres in size.

B. All access to the site must be from paved roads.

C. Noise generated by activities on the site may not exceed 103 decibels at the site boundary.

D. No grandstand or seating structure erected on the site may exceed 15 feet in height, measured from the surface of the highest seat to the ground immediately under the seating surface. Additional structures such as handrails, canopies, and seat backs may be allowed at the discretion on County staff.

E. Seating provided not to exceed capacity for 500 persons.

SECTION 12-1800  MARIJUANA LAND USES

12-1800  INTENT
To provide regulations pertaining to the commercial and non-commercial use of land, buildings and structures for the purpose of growing, selling, producing, distributing, manufacturing, and consuming marijuana and marijuana products.

12-1801  DEFINITIONS
For purposes of this Section 12-1800, the following definitions apply:
A. **CMMC** shall mean the Colorado Medical Marijuana Code, C.R.S. Section 12-43.3-101 *et seq.*

B. **Commercial** shall mean for purposes of obtaining a profit or remuneration.

C. **CRMC** shall mean the Colorado Retail Marijuana Code, C.R.S. Section 12-43.4-101 *et seq.*

D. **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.

E. **Marijuana** shall mean all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana shall not mean industrial hemp. Marijuana includes marijuana as defined in Article XVIII, Section 16 of the Colorado Constitution, the CRMC, Article XVIII, Section 14 of the Colorado Constitution, and the CMMC.

F. **Marijuana club** shall mean 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.); 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.

G. **Marijuana-infused product** shall mean a product infused with marijuana that is intended for use or consumption other than by smoking.

H. **Marijuana products** shall mean 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 products include marijuana-infused products.

I. **Medical marijuana** shall mean marijuana that is grown, sold or otherwise used for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution or the CMMC.

J. **Medical marijuana center** shall mean a person or entity that sells medical marijuana to patients or primary caregivers, but is not a primary caregiver.

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

L. **Patient** has the meaning set forth in Colorado Constitution Article XVIII, Section 14(1)(d).
M. **Person** shall mean a natural person twenty-one years or age or older.

N. **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, the CRMC, Article XVIII, Section 14 of the Colorado Constitution, or the CMMC.

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

12-1802 GENERAL: MARIJUANA LAND USES NOT ALLOWED

The use of land, buildings or structures to grow, produce, cultivate, sell, dispense, distribute, store, test or manufacture marijuana and/or marijuana products, or as a marijuana club, is not allowed or permitted throughout unincorporated Arapahoe County, except to the extent specifically identified in Section 12-1803.

12-1803 EXCEPTIONS

12-1803.01 Non-Conforming Commercial Uses

An exception to the prohibition of marijuana land uses is the use of any land, building or structure for a medical marijuana center where such use commenced prior to December 15, 2009, so long as, and to the extent that, the property owner or other operator can establish that such use was and is in compliance with all of the terms and conditions of Chapter 11 of the Land Development Code (Nonconformities) and all applicable building and fire codes, and so long as such use is in compliance with Article XVIII, Section 14 of the Colorado Constitution and the CMMC, any rules or regulations adopted by the Colorado Department of Revenue, and all other applicable state and local laws and regulations. Notwithstanding anything in this sub-section or in Chapter 11 of the Land Development Code to the contrary, in no event shall a medical marijuana center, a medical marijuana-infused products manufacturer, an optional premises cultivation operation or any other commercial marijuana land use be allowed in a residential zone district, in the residential portion of a planned unit development or within a dwelling unit in any other zone district.

12-1803.02 Non-Commercial Uses

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

12-1803.02.01 Dwelling Units

The non-commercial growing, cultivation, storage or production of marijuana or marijuana products may only be conducted as a non-primary use in a residential (R-1, R-2, R-3, R-3S, R-4, R-5, R-P, R-PSF, R-PM, R-PH, SH and R-M), rural residential (A-2, R-A, R-E), or agricultural (A-1, AE) zone district, or in the residential portion of a planned unit development,
and may only be conducted within a dwelling unit (and not on a porch or within a shed, greenhouse or other such structure) by a person residing at the dwelling unit, for such person’s own use, or by a primary caregiver on behalf of a patient who resides at the same dwelling unit as the primary caregiver; however, in no event shall more than six (6) plants, with three (3) or fewer being mature flowering plants, be grown or cultivated at any one time by each person or primary caregiver residing at such dwelling unit, up to a maximum of twelve (12) plants total per dwelling unit.

12-1803.04 Additional Restrictions

The marijuana land uses authorized by sub-section 12-1803.02 are subject to the following additional restrictions:

A. All uses shall be conducted in an enclosed and secure area within a dwelling unit and shall not be visible to the public.

B. All such uses shall not cause odors, smoke, heat, glare or light that is detectable to a person of normal senses beyond the property line of the property upon which the use is being conducted, or in an adjacent dwelling unit or public area.

C. Signage or other advertising on the premises of marijuana use that is visible to the public is not allowed.

12-1804 APPLICATION TO EXISTING USES

Notwithstanding any provisions of Chapter 11 of the Land Development Code (Nonconformities), all marijuana land uses are subject to all restrictions contained within this Section 12-1800, including those uses that were in existence prior to the adoption of this Section 12-1800, including any amendments thereto, except, and to the extent, that state or federal law requires that the marijuana land uses be exempt from such restrictions.

SECTION 12-1900 ENERGY FACILITIES

(Amended 11/15/2016 from 12-1900 Oil and Gas Facilities and added small solar facilities)

12-1901 INTENT and APPLICABILITY

A. The intent of this Section 12-1900 is to describe the Use by Special Review process and approval criteria for Energy Facilities. Notwithstanding any other language in the Land Development Code to the contrary, an Energy Facility or related site preparation or development, including any such Facility that requires a Colorado Oil and Gas Conservation Commission (“COGCC”) permit, may not commence without first obtaining Use by Special Review approval, regardless of the zone district or category in which the operation will be located. Energy Facilities are specifically allowed in all zone districts, including Planned Unit Developments, subject to Use by Special Review approval and subject to obtaining other required permits and approvals, unless and to the extent otherwise stated in these regulations.

B. The administrative Use by Special Review and the Memorandum of Understanding process available as provided under this Section of the Land Development Code shall apply only to an Oil and Gas Facility or Facilities as defined in Chapter 19 of this Land Development Code and to Solar Facility or Facilities as defined in Chapter 19 of this Land Development Code.
C. Nothing in this Section of the Land Development Code is intended to waive or modify any applicable provision of the Arapahoe County Regulations Governing Areas and Activities of State Interest (1041 Regulations).

12-1902 RELATIONSHIP TO SECTION 13-900

This Section provides an Administrative Use by Special Review approval process for Energy Facilities where an applicant has executed an acceptable Memorandum of Understanding (“MOU”) with the County and meets other administrative approval criteria, as set forth in further detail below. An Administrative USR is not available for any Solar Facility or Facilities that exceed two megawatts (2 MW) in power generation or twenty (20) acres in size. In the event that an applicant has executed an MOU and obtains approval for an Administrative Use by Special Review for a particular Energy Facility, compliance with the procedures and criteria in Section 13-900 (Use by Special Review) is not required. In other situations, in order to obtain Use by Special Review approval, the applicant must comply with the provisions of Section 13-900 (Use by Special Review), except to the extent modified in 12-1912 of this Section or waived by the Public Works and Development Department (“PWD”) Director or the Board of County Commissioners (“Board”) in accordance with the authority provided in this Land Development Code.

12-1903 ADMINISTRATIVE APPROVAL CRITERIA

In order to obtain Administrative Use by Special Review approval, an Energy Facility shall first satisfy the following criteria, except to the extent waived by the PWD Director or by the Board:

12-1903.01 Memorandum of Understanding
An MOU acceptable to the County must have been executed by the applicant and the County and currently be in full force and effect, and the Energy Facility as proposed must be in compliance with the provisions of the MOU.

12-1903.02 Satisfy Submittal Requirements
The application and exhibits for the Administrative Use by Special Review must satisfy all applicable submittal requirements in this Section.

12-1903.03 Environmental/Public Health and Safety Impacts
The Energy Facility as proposed for approval shall not involve any site specific conditions that present significant and material impacts to public health, safety or welfare, or the environment, that cannot be adequately mitigated through conditions agreed to by the applicant in the MOU or by conditions imposed upon the Administrative Use by Special Review approval.

12-1903.04 Emergency Service Providers
The Energy Facility applicant must provide a commitment to serve (“will serve”) letter from the authority having jurisdiction for providing emergency services (fire protection and emergency medical services) for that facility, or, where no authority has jurisdiction, from an emergency services provider with the ability to provide such emergency services.
12-1904 ADMINISTRATIVE PROCESS

12-1904.01 Pre-Submittal Meeting
Prior to submitting an application for an Administrative Use by Special Review for an Energy Facility, the applicant is required to attend a pre-submittal meeting with representatives of the PWD, unless waived. At the pre-submittal meeting the applicant will receive direction from County staff that will assist in preparing a complete application for submittal to the County. The applicant will need to obtain a list of applicable referral entities that will be sent a referral packet.

12-1904.02 Review for Completeness
Upon receipt of an Energy Use by Special Review application and fee, referral packets and associated application materials, the Planning Division staff of the PWD shall review the materials submitted to determine if the application is complete and consistent with the standards set forth in this Section.

12-1904.03 Concurrent Referral and Review
County staff will refer the complete application for a fourteen (14) working day review by the various divisions of the PWD and the County Attorney's Office, as deemed appropriate. An application may require review by outside agencies such as the U. S. Army Corps of Engineers, if the project impacts a floodplain, and may also be referred to any life-safety providers, adjacent jurisdictions, local public health department, and others as may be deemed appropriate.

12-1904.04 Address Deficiencies
The applicant will be notified of any outstanding issues in connection with application materials upon completion of this review and will be required to address any issues or deficiencies in connection with the application materials. If necessary, a meeting will be held to discuss any issues that need to be resolved. If necessary, the applicant will then submit an amended application, plan or other submittals, as appropriate, to the County for verification that deficiencies have been addressed by the applicant. If the above described outstanding issues cannot be resolved, the PWD Director may refer the case to the Board for its consideration.

12-1904.05 Final Review
Upon acceptance of the final copy of the application and exhibits by the PWD, the application materials will be forwarded for final review by the PWD Director.

12-1905 ADMINISTRATIVE SUBMITTAL REQUIREMENTS

A Submittal Requirements Matrix is available from the Planning Division outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on Planning Division review. The following items are required as part of an Energy Facility application submittal:

12-1905.01 Pre-Submittal Notes or Waiver
Notes from the pre-submittal meeting pertaining to the application, or signed waiver of pre-submittal meeting form.

12-1905.02 Application Form
A completed Energy Facility application form. Application forms are available from the PWD.

12-1905.03 Application Fees
Application Fee Schedules are available from the PWD.
12-1905.04 Plan
An Energy Facility Plan drafted in accordance with 12-1906 of this Section.

12-1905.05 Engineering Documents
The following Technical Engineering documents are required by the Engineering Services Division of the PWD unless otherwise waived by the Engineering Services Division staff:

12-1905.05.01 Construction Plans
If applicable, Construction Plans for the proposed Energy Facility public improvements including road plan and profile sheets, storm drainage improvements plans and other public improvements, prepared in accordance with the latest version of the Arapahoe County Infrastructure Design and Construction Standards and Stormwater Management Manual.

12-1905.05.02 Pavement Design Report
If applicable, a Pavement Design Report prepared in accordance with the latest version of the Arapahoe County Infrastructure Design and Construction Standards.

12-1905.05.03 Grading Erosion and Sediment Control
If applicable, a Grading, Erosion, Sediment Control Report and Plan as defined in the latest version of the Arapahoe County Grading, Erosion, and Sediment Control (“GESC”) Manual.

12-1905.05.04 Truck Traffic Report
A Truck Traffic Report prepared in accordance with the latest version of the Arapahoe County Infrastructure Design and Construction Standards for Traffic Impact Studies. Such report shall also identify the source and location of any water to be used by the Energy Facility.

12-1905.05.05 Drainage Study/Technical Drainage Letter/Plan
If applicable, a Drainage Study/Technical Drainage Letter/Plan prepared in accordance with the latest version of the Arapahoe County Stormwater Management Manual.

12-1905.05.06 Floodplain Modification Study
A Floodplain Modification Study prepared in accordance with the latest version of the Arapahoe County Stormwater Management Manual, if the proposed Energy Facility construction disturbance, operation or access encroaches into a 100-year floodplain or major drainageway as defined by the latest version of the Arapahoe County Stormwater Management Manual

12-1905.06 Surface Owner Documentation
Documentation, if any, as to whether the surface owner has authorized the proposed Energy Facility. Applicants for a Solar Facility or Facilities where the owner of the proposed facility or facilities is not the owner of the underlying real estate shall provide a copy of the lease or other legal documentation from the owner authorizing the Facility or Facilities on the property.

12-1905.07 Additional Information
Additional information may be requested by the PWD Department as deemed appropriate to process the application and the PWD Director may also waive the submittal of any information required above as deemed appropriate.
12-1906 ENERGY OPERATIONS PLAN

12-1906.01 Plan Format
All plans will be 11” x 17” (for areas less than one acre) or 24” x 36” (for areas greater than one acre) format. No plans shall contain copyright restrictions or public use restrictions.

12-1906.02 Cover Sheet
The cover sheet shall have a title block with the reference to an Administrative Use by Special Review, project name, and location by section, township and range. The cover sheet shall also include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key, a vicinity map with north arrow (scale of 1” = 2,000' preferred) with an emphasis on the major roadway network within two (2) miles of the proposal, and all applicable County notes, an approval signature block and a block to insert the State of Colorado permit number when approved and when applicable. Upon approval, the first sheet will be signed by the PWD Director.

12-1906.03 Impact Area Map
The second sheet shall contain an Impact Area Map that shows the proposed location of the Energy Facility, locations of all existing energy facilities or equipment within the one-mile impact area, locations of all water wells within ½ mile of the proposed Energy Facility, and all existing and proposed roads within the one-mile impact area. For purposes of this paragraph, energy facilities or equipment shall include, but not be limited to, other oil and gas facilities, other solar facilities, power transmission lines, electric substations, natural gas transmission lines, and other similar such energy facility equipment or energy production sites.

12-1906.04a Operation Plan for Oil & Gas Facilities
The third sheet shall provide a site plan of drilling operations and drilling equipment with existing and proposed finished-grade topography at two-foot (2’) contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County, prior to submitting the application for the Administrative Use by Special Review. The layout of the equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Oil and Gas Facility.

12-1906.04b Operation Plan for Solar Facilities
The third sheet shall provide a site plan of operations and equipment with existing and proposed finished-grade topography at two-foot (2’) contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County, prior to submitting the application for the Administrative Use by Special Review. The layout of the equipment may be shown as a typical plan, if the County deems it appropriate for the extent of development of the proposed Solar Facility.

12-1906.05a Production Plan for Oil & Gas Facilities
The fourth sheet shall provide a site plan of production operations with production equipment (stays in) with existing and proposed finished-grade topography at two-foot (2’) contours or less tied to a datum acceptable to the County. A seed mix shall be provided for reseeding the project area. Equipment layout may be a typical plan appropriate to the degree of development for the Energy Facility submitted for approval.

12-1906.05b Production Plan for Solar Facilities
A production plan for Solar Facilities is not applicable; however, a seed mix shall be provided on the Operation Plan for reseeding the project area upon decommissioning the facility.
12-1906.06 Signage Plan/Sign Detail
A dimensioned Signage Plan or Sign Detail shall be included on one of the sheets describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Directional signs for emergency responders and inspectors shall be included, along with a 24-hour, 7-days per week contact information to deal with all noise, traffic, or other complaints.

12-1906.07 Approved Plan
Once the review process is complete and staff has determined that all outstanding issues have been resolved, staff will request a final copy of the Energy Operations Plan for the Oil and Gas Facility or Solar Facility, as applicable. The final copy of the Approved Energy Operations Plan shall be on paper (as opposed to Mylar). The drawing shall contain the information listed above unless otherwise specified by the County staff.

12-1907 NOTICE OF APPLICATION REQUIREMENTS
The applicant shall provide written notification by U.S. Mail to owners of parcels adjacent to the parcel on which the Energy Facility is proposed that an application for an Administrative Use by Special Review for an Energy Facility has been filed with the County. The Notice of Application shall meet the format prescribed by the County and shall be mailed at or no more than 30 days before the time of filing the application with the County. The property owner of record, as identified in the County Assessor’s property records, shall provide the basis for notifications. The applicant shall provide a sign that shall meet the format prescribed by the County. The sign shall be posted at or before the time of filing the application for the Energy Facility with the County.

12-1908 APPROVAL/DENIAL OF ADMINISTRATIVE USE BY SPECIAL REVIEW

12-1908.01 Action to Approve, Conditionally Approve or Deny
Unless there are any issues that have not been resolved by the applicant, the County will exercise its best efforts to process the Administrative Use by Special Review for an Energy Facility within thirty (30) working days from the date of complete submittal by the applicant, or at such time as proof of any applicable State of Colorado permit approval is provided, whichever is later. The Administrative Use by Special Review can be administratively approved, approved with conditions or denied. Written notice of the decision shall promptly be provided to the applicant, and, if denied, the notice shall include a statement of the reason(s) for denial. The thirty (30) working day timeframe counts only as the County’s processing time and does not include the applicant’s response time.

12-1908.02 PWD Director's Discretion to Refer to the Board
In lieu of the PWD Director making a decision on an application, the Director has the discretion to refer any application for Administrative Use by Special Review or amendment thereto to the Board for its consideration and decision at a public hearing. In such event, the Board shall make its determination based upon the requirements of this Section; however, unless waived by the Board, compliance with the notice requirements set forth in Sections 13-905.02 A. and 13-905.03 B. is required prior to the Board hearing. At such public hearing, the Board may approve, approve with conditions, or deny the application.

12-1908.03 Expiration of Approval
An approval of the Administrative Use by Special Review for Energy Facilities shall only be valid for five (5) years unless the Energy Facility is substantially commenced prior to the expiration of such timeframe.

12-1908.04 Permits Required Prior to Commencement of Operations
If applicable, an Access Permit, GESC Permit, and Oversize/Overweight Vehicle Permit shall be required prior to the development of an Energy Facility. A Floodplain Development Permit shall be required prior to any work within a floodplain. A Building Permit may be required prior to construction of certain structures within the Energy Facility.

12-1909 APPEAL OF DECISION ON APPLICATION FOR ADMINISTRATIVE USE BY SPECIAL REVIEW
An applicant may appeal the PWD Director’s denial of an application for an Administrative Use by Special Review for an Energy Facility, or any conditions of approval, to the Board of County Commissioners for a de novo hearing. The applicant must file the appeal within fourteen (14) calendar days of the date of the Director’s decision by submitting a letter of appeal to the Planning Division Manager. Thereafter, the matter will be scheduled on the next available agenda of the Board. At such hearing, the Board may affirm, reverse or modify the decision of the PWD Director, based upon the criteria set forth in Section 12-1903.

12-1910 MOU PROVISIONS AS CONDITIONS OF APPROVAL
An approval of an Administrative Use by Special Review for an Energy Facility shall automatically include as conditions of approval all provisions of the MOU executed by the applicant, except to the extent waived by the PWD Director or the Board.

12-1911 ADMINISTRATIVE AMENDMENT
If the applicant or operator proposes changes from the plans approved through the Administrative Use by Special Review, including and not limited to any changes in the source or location of water to be used by the Energy Facility, the applicant or operator is required to submit an amendment to the application showing the changes, unless such requirement has been waived by the PWD Director. The proposed amendment will be reviewed by PWD staff and, if applicable, PWD Staff may require additional information. The amended application will need to meet all requirements of this Section and be approved in writing by the PWD Director, or the Board (if the Board approved the original application), prior to implementation.

12-1912 NON-ADMINISTRATIVE APPROVAL PROCESS
Use by Special Review approval for an Energy Facility may also be requested through the process described in Section 13-900 of this Code, subject to the following modifications:

12-1912.01 Plan Format
The site plan shall comply with the requirements of Section 12-1904 above in lieu of the provisions of Section 13-904. In addition, the final document shall be submitted in paper form instead of Mylar, notwithstanding the language of Section 13-905.06.

12-1912.02 Other
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The applicant shall not be required to submit a letter from a water and sanitation district, notwithstanding the language of Section 13-903.07, and shall not be required to comply with Section 13-903.08.

12-1912.03 Expiration of Approval  An approval of a Use by Special Review shall only be valid for five (5) years unless the Energy Facility is substantially commenced prior to the expiration of such timeframe.

12-1913 STATE AND COUNTY APPROVALS REQUIRED
Development of the Energy Facility shall not commence until and unless any required permits from the state, and a Use by Special Review (administrative or non-administrative) from the County, have both been approved.

SECTION 12-2000  FLOODPLAIN MANAGEMENT AND FLOOD DAMAGE PREVENTION REGULATIONS

12-2001 Findings of Fact
12-2002 Statement of Purpose
12-2003 Methods of Reducing Flood Losses
12-2004 Definitions
12-2005 General Provisions
  12-2005.01 Land to Which These Regulations Apply
  12-2005.02 Basis for Establishing the Floodplains and Special Flood Hazard Areas
  12-2005.03 Establishment of the Floodplain Development Permit
  12-2005.04 Compliance
  12-2006.05 Abrogation and Greater Restrictions
  12-2005.06 Interpretation
  12-2005.07 Warning and Disclaimer of Liability
12-2006 Administration
12-2007 Methods for Flood Hazard Reduction
  12-2007.01 Designation of the Floodplain Administrator
  12-2007.02 Subdivision Proposal Standards
  12-2007.03 Freeboard
  12-2007.04 Floodways
  12-2007.05 Flood Fringe Encroachment (Filling)
  12-2007.06 Utilities
  12-2007.07 Recreational Vehicles
  12-2007.08 Existing Structures in Special Flood Hazard Areas
  12-2007.09 Critical Facilities

12-2001 FINDINGS OF FACT

12-2001.01 The flood hazard areas of Unincorporated Arapahoe County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

12-2001.02 The flood losses are created by the cumulative effect of obstructions in floodplains and special flood hazard areas which cause an increase in flood heights and velocities, and when
inadequately anchored, damage uses in other areas. Uses that are inadequately elevated, floodproofed or otherwise protected from flood damage contribute to the flood loss.

12-2002 STATEMENT OF PURPOSE

12-2002.01 It is the purpose of the Floodplain Management and Flood Damage Prevention Regulations, (hereinafter referred to as “Floodplain Management Regulations””) to promote the health, safety, and general welfare of the public, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

A. To protect human life and health;
B. To minimize expenditure of public money for costly flood control projects;
C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to critical facilities, infrastructure, and other public facilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in floodplains and special flood hazard areas;
F. To help maintain a stable tax base by providing for the sound use and development of floodplains and special flood hazard areas so as to minimize future flood blight areas;
G. To provide a means to respond to requests from potential developers for information supporting a determination regarding whether property is in a floodplain or special flood hazard area;
H. To ensure that potential buyers are notified that property is in a special flood hazard area or floodplain; and
I. To provide that those who occupy floodplains or special flood hazard areas assume responsibility for their actions.

12-2002.02 The Floodplain Chapter of the Arapahoe County Stormwater Management Manual, hereinafter referred to as the Stormwater Management Manual, is hereby adopted and declared to be a part of this Code. The Stormwater Management Manual provides detailed requirements for the management and regulation of floodplains and special flood hazard areas.

12-2003 METHODS OF REDUCING FLOOD LOSSES

12-2003.01 To accomplish its purposes, the Floodplain Management Regulations, in conjunction with the Stormwater Management Manual, include methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to flood water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
C. Controlling the alteration of natural floodplains, drainageways, and natural protective barriers, which help accommodate or channel flood waters;
D. Controlling filling, grading, dredging, and other development which may increase flood damage;
E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas; and,
F. Preventing all new construction or installation of residential or non-residential structures, in any floodplain or special flood hazard area, including F Zone properties.
G. Restricting encroachments including fill, new construction, and other development in any floodplain or special flood hazard area unless a technical evaluation demonstrates that the encroachments will not result in an increase (no rise) in flood levels during the occurrence of the base flood, or a FEMA-approved CLOMR or County-approved Floodplain Modification Study is provided.
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H. Requiring a minimum clearance, or freeboard of two feet, be provided between the 100-year base flood elevation and the structure’s lowest floor and other applicable facilities which may be impacted by or adjacent to the base flood. Freeboard is required to allow for uncertainty in the floodplain modeling, changes to the drainageway (i.e. increased invert due to sedimentation), and to provide an additional factor of safety for structures and facilities which would result in damages or hazards during inundation.

I. Considering cases where protection should be given from flooding events that are produced by storm events in excess of the 100-year storm event, including access routes that are critical for the protection of the public health, safety, and welfare, or where flooding in excess of the 100-year storm event could result in loss of life, significant damage to utilities and infrastructure, or result in hazardous materials being transported in flood waters. In general, placement of critical facilities within the 500-year floodplain is discouraged.

12-2004 DEFINITIONS
Definitions provided for the terms in the Floodplain Management Regulations are provided in Section 19-200.

12-2005 GENERAL PROVISIONS

12-2005.01 LANDS TO WHICH THESE REGULATIONS APPLY
These regulations shall apply uniformly to all floodplains and special flood hazard areas within the jurisdiction of unincorporated Arapahoe County.

12-2005.02 BASIS FOR ESTABLISHING THE FLOODPLAINS AND SPECIAL FLOOD HAZARD AREAS
The basis for establishing floodplains and special flood hazard areas shall be the boundary of the 100-year floodplain. The extent of this area shall be based upon the best available information including:

A. The Arapahoe County, Colorado, and Incorporated Areas, Flood Insurance Study (FIS) dated September 28, 2018, with the accompanying Flood Insurance Rate Maps (FIRM), produced by the Federal Emergency Management Agency (FEMA) and any revisions thereto, hereby adopted by reference and declared to be part of this Code.

B. The Flood Hazard Area Delineation (FHAD) studies, produced by the Urban Drainage and Flood Control District, as may be amended and updated from time to time, hereby adopted by reference and declared to be a part of this Code.

C. Other 100-year floodplain studies as approved by the County and accepted by the appropriate local, regional, state or federal agencies.

D. As further defined by the requirements of the Floodplain Chapter of the Arapahoe County Stormwater Management Manual.

12-2005.03 ESTABLISHMENT OF THE FLOODPLAIN DEVELOPMENT PERMIT
All development proposed within floodplains or special flood hazard areas and all development constructed, installed, commenced, improved or maintained within floodplains or special flood hazard areas shall be required to obtain a Floodplain Development Permit from the Floodplain Administrator in accordance with the procedures established in the Floodplain Management Regulations and shall pay the fee established by the Board of County Commissioners.

12-2005.04 COMPLIANCE
No structure or land shall hereafter be constructed, located, extended, converted or materially altered without full compliance with the terms of these regulations and other applicable regulations. Nothing herein shall prevent the Floodplain Administrator, acting on behalf of the Board of County Commissioners, from taking such lawful action as is necessary to prevent or remedy any violation. These
regulations meet the minimum requirements as set forth by the State of Colorado through the Colorado Water Conservation Board and the National Flood Insurance Program.

12-2005.05 ABROGATION AND GREATER RESTRICTIONS
These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

12-2005.06 INTERPRETATION
In the interpretation and application of these regulations, all provisions shall be:
A. Considered as minimum requirements;
B. Liberally construed in favor of the governing body; and,
C. Deemed neither to limit nor repeal any other powers granted under State Statutes.

12-2005.07 WARNING AND DISCLAIMER OF LIABILITY
The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasion. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside floodplains or special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. No part of these regulations shall create liability on the part of Arapahoe County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

12-2006 ADMINISTRATION

12-2006.01 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR
The Director of Public Works and Development (PWD), including his or her designee, is hereby appointed the Floodplain Administrator to administer and implement the Floodplain Management Regulations by granting or denying floodplain development permit applications in accordance with its provisions, and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations). The Floodplain Administrator shall designate an alternate to perform the functions of the Administrator during any period of unavailability.

12-2006.02 DUTIES, RESPONSIBILITIES, AND AUTHORITY OF THE FLOODPLAIN ADMINISTRATOR
Duties of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review.
   1. Review all applications for development permits, including applications for building permits and the placement of manufactured homes, to determine if the proposed development will be reasonably safe from flooding.
   2. Review, approve, or deny all floodplain development permits as required by these regulations.
   3. Review all permits for proposed development to ensure that all necessary permits have been obtained from those Federal, State or local government agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

B. Recordkeeping.
Maintain and hold open for public inspection all records pertaining to the provisions of these regulations.

C. **Interpretation of Floodplain and Special Flood Hazard Area (SFHA) Boundaries.**
Make interpretations, where needed, as to the location of the floodplain or SFHA boundaries (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

D. **Responsibilities with Regard to Alterations of Watercourses.**
1. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. **Floodplain Information and Determination.**
1. When base flood elevation data has not been provided in accordance with Section 12-2005.02, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodplain data available from a Federal, State, UDFCD or other source, to administer the provisions of Section 12-2007. If adequate data is not available, the Floodplain Administrator shall require the applicant to provide additional data, survey data, other information and/or studies for review. When a regulatory floodway has not been designated, the Floodplain Administrator shall require the applicant to provide a floodway analysis defined by using the cumulative effect of the proposed development combined with all other existing and anticipated development such that there will not be a rise in the base flood by more than one-half foot.
2. In cases where there are multiple studies or conflicting base flood elevation data, the data which is most protective of the floodplains and special flood hazard areas and which restricts development will be used.

F. **Map Revisions.**
1. Under the provisions of 44 CFR, Part 65, Section 12 of the National Flood Insurance Program regulations, Arapahoe County may approve certain development in the SFHA (A zones) on the Arapahoe County FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the an application for a Conditional Letter of Map Revision (CLOMR) is submitted to and approved by FEMA prior to final County approvals.
2. Letters of Map Revision Based on Fill (LOMR-F). The lowest floor elevation for any construction of a new structure, redevelopment (substantial improvements) of an existing structure or addition to an existing structure on a property removed from the floodplain by issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) will be required to meet the County’s freeboard standards, i.e. two (2) feet above the Base Flood Elevation (BFE) that existed prior to the placement of fill.

G. **Enforcement.**
1. The Floodplain Administrator, working jointly with the Zoning Administrator, shall enforce the Floodplain Management Regulations and provisions for Flood Damage Prevention Standards.
2. In addition to the remedies available for enforcement of Zoning Violations, Arapahoe County shall be entitled to enforce these regulations by all legal and equitable means allowed by law, including injunctive relief.
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H. Violations.
Whenever the Floodplain Administrator determines that a violation of these regulations has occurred, may occur, or is threatened, the Floodplain Administrator shall be responsible for placing a temporary or permanent hold on further development permits, approvals and actions (including building permits, rezoning actions, subdivision actions, grading permits, and the like) to the extent necessary to prevent or remedy the violation, and for notifying affected County departments of this action. The hold shall remain in place until the property owner complies with these regulations.

I. Variances.
The Floodplain Administrator shall process variance requests from the Floodplain Management Regulations in accordance with Section 12-2006.05

12-2006.03 FLOODPLAIN DETERMINATION
12-2006.03.01 Effective with the adoption of these regulations, all development (as defined in Section 19-200) shall be required to apply for a Floodplain Determination prior to beginning any work, for the sole purpose of determining whether, and the extent to which, the Floodplain Management Regulations restrict or regulate development on the applicant’s property.
   A. Development that requires a building permit shall obtain this determination from the Floodplain Administrator in connection with the building permit application process. This determination is coordinated by the Zoning Administrator.
   B. All other development shall obtain this determination from the Floodplain Administrator.
   C. All persons obtaining a Floodplain Determination shall pay the fee established by the Board of County Commissioners for that service in addition to other such fees as may be required in the processing of the particular development application.

12-2006.03.02 A Floodplain Determination is only intended to guide Arapahoe County in its application of the Floodplain Management Regulations and cannot be relied upon for any other purpose. Property owners who wish for a reliable determination of whether their property is affected by the floodplain or exposed to flood risks must obtain their own determination from licensed or qualified professionals. No County employees are authorized to make Floodplain Determinations which may be relied upon by any person for any purpose other than a determination of the extent to which the Floodplain Management Regulations shall restrict or regulate development on parcels of property.

12-2006.04 FLOODPLAIN DEVELOPMENT PERMIT REQUIREMENTS
All development (as defined in Section 19-200) proposed within floodplain or special flood hazard areas and all development constructed, installed, commenced, improved, or maintained within a floodplain or special flood hazard area (to the extent permitted by this LDC) is required to obtain a Floodplain Development Permit from the Floodplain Administrator before construction or development begins within any floodplain or special flood hazard area established in Section 12-2005.02.

12-2006.04.01 For any disturbance of the floodplain, a floodplain development permit shall be obtained from the Floodplain Administrator before start of construction or the beginning of development within any floodplain. The floodplain development permit is required prior to the issuance of building permit, street cut or right-of-way use permit, a grading permit, and any other development, use or change of the use of land in the floodplain. The Floodplain Development Permit is required in addition to other permits or review processes, which may be associated with the underlying zone district. All activities, regardless of impact, are required to be permitted.
12-2006.04.02 Sufficient information must be provided with an application for a floodplain development permit to determine the impact of the proposed activities within the floodplain or special flood hazard area. Refer to the Floodplain Chapter of the Stormwater Management Manual for the Floodplain Development Permit application requirements. These requirements are considered the minimum for each application, unless waived by the Floodplain Administrator.

12-2006.04.03 All necessary Federal, State and local permits shall be secured before the Floodplain Development Permit will be issued.

12-2006.05 VARIANCE PROCEDURES

12-2006.05.01 GENERAL

A. The Technical Review Committee (TRC) shall hear and decide appeals and requests for variances from the Floodplain Management Regulations, as defined in the Stormwater Management Manual. An appeal of the TRC’s decision may be made to the Director of Public Works and Development. A final appeal may be made to the Board of County Commissioners, who shall have the final decision on all variance requests.

B. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances, upon request, to FEMA.

C. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

D. Upon consideration of the factors noted above and the intent of the Floodplain Management Regulations, the TRC may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations.

E. Variances shall not be issued within any designated floodway, if any increase in flood levels would result during discharge of the base flood unless 44 CFR Part 65, Section 12 requirements are met or a County-approved Floodplain Modification study is obtained.

12-2006.05.02 PREREQUISITES FOR GRANTING VARIANCES

The prerequisites for granting variances include:

A. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

B. Variances shall only be issued upon:

1. Showing a good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
3. A determination that the granting of a variance will not result in increased flood heights, unless:

a.) There is an approved Floodplain Modification Study or CLOMR that meets the standards of 44 CFR Part 65, Section 12;

b.) There are no additional threats to public safety;

c.) There will be no extraordinary public expense;

d.) The variance will not create a public nuisance;

e.) There is no fraud on or victimization of the public; or

f.) There is no conflict with other applicable laws or ordinances.

C. Any applicant to whom a variance is granted shall be given written notice of the consequence to the variance (e.g., increase in flood insurance premium requirements, FEMA map revision, and/or requirement to obtain easements from other property owners.)
D. Variances may be issued for construction of replacement structures and substantial improvements or damage repairs in floodplains or the SFHA, and for other development necessary for the conduct of a functionally dependent use provided that:
   1. The regulations outlined above in Section 12-2006.05.01 of the Variance Procedures are met.
   2. The structure or other development is protected by methods that minimize flood damages (e.g., freeboard requirements) during the base flood and create no additional threats to public safety.
   3. For requests of substantial improvement/damage to existing structures in floodplain or SFHA, there is no increase in footprint from the existing structure.
   4. No new additional habitable structures are placed within the floodplain or SFHA.
   5. For requests of substantial improvement/damage to existing structures in the floodplain or SFHA, the footprint of the replacement structure is not located in the floodway, and if relocated is relocated as far out of the floodplain or SFHA as the lot configuration allows.

12-2006.05.03 STANDARDS FOR FLOODPLAIN VARIANCES
The TRC shall interpret these regulations in a way that strongly discourages filling within the flood fringe. The TRC shall consider all technical and scientific evaluations, the Provisions for Flood Damage Prevention specified in Section 12-2007, and the following relevant factors:
   A. The danger to life and property due to flooding or erosion damage;
   B. The danger that materials may be swept onto other lands to the injury of others;
   C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   D. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   E. The compatibility of the proposed use with existing and anticipated development;
   F. The importance of the services provided by the proposed facility to the community;
   G. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
   H. The availability of alternative locations for the proposed use that is not subject to flooding or erosion damage;
   I. The necessity to the facility of a waterfront location, where applicable.
   J. The impacts of such requests on other properties; and
   K. In the case of substantial improvements/damage, and repairs to existing structures, the continued reasonable economic use of the property.

12-2007 PROVISIONS FOR FLOOD HAZARD REDUCTION

12-2007.01 SPECIFIC STANDARDS
In all floodplains and special flood hazard areas as established in Section 12-2005.02 of these regulations, including shallow flooding areas (AO and AH Zones), the following provisions are required:
   A. Prohibit all new construction of structures, including residential, non-residential, or recreational.
   B. Prohibit new construction of critical facilities.
   C. Prohibit additions to existing structures.
   D. Prohibit fencing, including solid or perforated wood; split rail; chain link; stone, brick or other materials. Three-strand barbed wire may be permitted in rural areas on a case-by-case basis.
   E. Prohibit detention or water quality ponds not part of a regional, or County or UDFCD approved drainage Master Plan.
F. Prohibit new construction of streets (local and collector streets may be approved on a case by case basis provided alternate access is available and street depth criteria are met).

G. Prohibit permanent toilet facilities.

H. Prohibit new construction of structures, ponds, or appurtenances related to water and wastewater treatment facilities.

I. Prohibit vehicle parking lots not associated with an approved floodplain use.

J. New construction of landscaping walls or structural walls that extend or flatten land that result in floodplain encroachment.

K. Prohibit the storage or processing of materials, which are buoyant, flammable, explosive, or could cause injury to humans, animals, or plants. Prohibit the storage, processing of materials, or any other activity that may have an adverse impact on water quality. These materials represent a significant potential public health, environmental, or safety risk. Floatable materials can also be come lodged in culverts, bridges, and channels resulting in increased damages resulting from increased flood depths or diversion of flood waters. Temporary storage of construction-related vehicles and materials may be permitted, depending upon location and type of material storage. Prohibit the storage of any material in the floodway, unless permitted by the Floodplain Administrator.

L. Prohibit any use in the floodplain that has the potential for the following to occur:
   1. Obstruction of the flood water flow so that the floodplain is altered in elevation in excess of the allowable criteria (unless approved through a floodplain modification study).
   2. Reduction in the carrying capacity of the channel (unless approved through a floodplain modification study).
   3. Potential for material, equipment, or facilities to become dislodged or displaced and to be deposited downstream causing channel or drainageway, culvert or bridge blockage, channel degradation, or damages to other properties.
   4. Potential for negatively impacting water quality.

M. Performance standards for use of floodplains shall include the following:
   1. No floodplain use shall adversely affect the efficiency of, or unduly restrict the capacity of, the channels or floodplains of the mainstreams or any tributaries to the mainstream, drainage ditches, or any other drainage facilities or systems; or
   2. No structure (temporary or permanent), fill (including fill for roads and levees), deposits, obstruction, storage of materials, or other floodplain uses which, acting alone or in combination with existing or future floodplain uses, adversely affects the efficiency or the capacity of the floodplain, or which adversely affects the storage capacity of the floodplain. Impervious surfaces in the floodplain shall be minimized. Proposed impervious surfaces in the floodplain are subject to approval by the Engineering Services Division with respect to generated storm water runoff.

N. Flood control or stream stability projects associated with County and UDFCD approved master plans may be permitted, provided that the Floodplain Development Permit requirements of Section 12-2006.04 are met.

O. The Floodplain Administrator may impose conditions on approval of floodplain development permits to achieve compliance with the Provisions of Flood Hazard Reduction, which conditions may include modification of proposed systems and facilities and imposition of operational controls and limitations on periods and conditions of use and operation. Additionally, a map revision process may be required prior to permit approval.

P. A Floodplain Modification Study is required when development or other activities are proposed that require modification of, or construction in the floodplain or special flood hazard areas, as established in Section 12-2005.02, or when proposals involve use of property within the floodplain or special flood hazard area, as established in Section 12-2005.02. The Floodplain Modification Study requirements are identified in the Floodplain Chapter of the Stormwater Management Manual.

Q. Building Permits.
1. All necessary local, State and Federal permits shall be secured before building permits will be issued by Arapahoe County.
2. At the time of issuance of building permits, the applicant shall certify to the PWD Building Division that the proposed structure is outside of any floodplain or special flood hazard area, as established in Section 12-2005.02.

**12-2007.02 SUBDIVISION PROPOSAL STANDARDS**

All subdivision proposals will be reviewed to determine whether the subdivision will be reasonably safe from flooding. The following regulations in conjunction with the requirements of the Floodplain Chapter of the Stormwater Management Manual shall apply to all subdivision proposals within or adjacent to floodplain or special flood hazard areas:

A. **Minimize Flood Damage.** All subdivision applications, including the placement of manufactured home parks and subdivisions, shall be consistent with the need to minimize flood damage. In general, platted lots must be located outside of the 100-year floodplain limits.

B. **Floodplain Development Permit.** All subdivision applications, including the placement of manufactured home parks and subdivisions, shall meet the permit requirements of Section 12-2006.04 of these regulations.

C. **Base Flood.** The applicant shall be responsible for generating any base flood data and survey data requested by the Floodplain Administrator relating to the site and proposed development. In cases where there is conflicting base flood elevation data, the data which is most protective of the floodplain or special flood hazard area will be used.

D. **Drainage.** All subdivisions, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

E. **Protection of Utilities.** All subdivision applications, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

F. **Floodplain Areas.** Floodplain boundaries must be considered in subdivision layout, where applicable, and as further defined in the Floodplain Chapter of the Arapahoe County Stormwater Management Manual. In general, platted lots must be located outside of the floodplain or special flood hazard area limits. An exception is made for zoning districts where residential lots exceed 2.5 acres, in which case lots may be platted within the floodplain or special flood hazard area limits, provided a floodplain easement and building envelopes are established. When the floodplain boundary accurately represents the proposed floodplain limits, lots can be platted as described in this subsection. There are many cases, however, where the SFHA or mapped floodplain was delineated using approximate methods or where improvements are proposed to confine the floodplain. In this case, platted lots must be outside the SFHA or mapped floodplain or the actual floodplain, whichever is more restrictive.

G. **Proposed Subdivision Lots Removed from or adjacent to Floodplains.** This subsection applies to subdivisions where any proposed lots are required to be removed from the floodplain or special flood hazard area or where any proposed lots are adjacent to the floodplain. In either such case, an approved CLOMR or Floodplain Modification Study will be required prior to County approval of a final plat. A plat restriction shall prohibit the issuance of building permits on the affected lots until a LOMR or LOMA has been issued by FEMA and the appeal period has expired or a similar map change process has been approved by the County for non-FEMA mapped floodplains.

H. **Freeboard.** All subdivision applications will be subject to the freeboard requirement in accordance with Section 12-2007.03 of these regulations and the Floodplain Chapter of the Stormwater Management Manual. Basements in structures on lots directly adjacent to a floodplain or special flood hazard area will be required to have two feet of freeboard above the BFE.

**12-2007.03 FREEBOARD**
A minimum clearance, or freeboard, shall be provided between the floodplain or special flood hazard area and structures, and other applicable facilities, which may be impacted by or adjacent to the floodplain. Freeboard is required to allow for uncertainty in the floodplain modeling, changes to the drainageway (i.e. increased invert due to sedimentation), and to provide an additional factor of safety (buffer) for structures and facilities which would experience damages or hazards during inundations.

A. The County requires a minimum of two-feet of freeboard between the 100-year water surface elevation and the lowest floor elevation (including basement) of all substantially improved structures within the floodplain or special flood hazard area (including critical facilities) or structures adjacent to the floodplain or the special flood hazard area.

B. For facilities which are not structures (typically not requiring a building permit) such as roadways, utility cabinets, parks and trail improvements, a minimum of one foot of freeboard is acceptable.

C. Shallow flooding areas (AO and AH Zones) or areas adjacent to shall have the lowest floor (including basement) elevated two feet above the highest adjacent grade or two feet above the depth number specified on the Arapahoe County FIRM (at least four feet if no depth is specified on the FIRM).

D. A registered Colorado professional engineer or land surveyor shall submit an Elevation Certificate to the Floodplain Administrator to certify that standards of this section and Section 12-2007.08(B.) are satisfied.

12-2007.04 FLOODWAYS

The floodway (as defined in Section 19-200) is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential. Floodways are located within special flood hazard areas established in Section 12-2005.02. The County has adopted a one-half foot floodway requirement. For special flood hazard areas which have a designated floodway, the following provisions apply:

A. Development is prohibited, including fill, new construction, and other development within the adopted regulatory floodway unless certification by a Colorado registered professional engineer is provided demonstrating that encroachment shall not result in any increase in flood levels (no rise) during the occurrence of the base flood discharge, or otherwise alter the floodway in a manner which will constrict the channel or increase erosion potential unless a FEMA-approved CLOMR that addresses the 44 CFR Part 65, Section 12 requirements or a County-approved Floodplain Modification Study are obtained.

B. If Section 12.-2007.04(A.) above is satisfied, all new construction shall comply with all applicable Flood Hazard Reduction Provisions of Section 12-2007.

C. For all floodplain and special flood hazard areas in which a regulatory floodway has not been designated, encroachments that would result in an increase of the base flood elevations more than one-half foot are prohibited, unless the provisions of 44 CFR Part 65, Section 12 are met, and until a regulatory floodway is designated.

D. For LOMRs on special flood hazard areas where the effective FIRM shows a 1.0 foot floodway, the one-half foot floodway will not be required until the entire drainageway is remapped at which time the revised map will show a one-half foot floodway.

12-2007.05 FLOOD FRINGE ENCROACHMENT (FILLING)

The floodplain fringe is the portion of the 100-year floodplain that is not within (outside of) the regulatory floodway. Floodplain fringe filling reduces or eliminates valuable floodplain storage areas and the cumulative effect can have significant impacts on downstream properties. Reduction of floodplain storage areas can increase peak flow rates and associated base flood elevations downstream, even though there may be little impact at the site where the fill occurs. This practice may be contrary to the County’s objective of precluding damage to life and property and is contrary to the County’s objective of maintaining floodplains as open space. Encroachment in the flood fringe
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is only allowed for approved uses listed in Section 12-2007.01. For proposals considering flood fringe encroachment, the Floodplain Administrator shall consider the requirements of the Floodplain Chapter of the Stormwater Management Manual, as a minimum, and the following:

A. Encroachment of the floodplain fringe is strongly discouraged and will only be considered on a case by case basis.
B. The one-half foot floodway requirement is cumulative, and all proposals considering encroachment in the fringe, must consider the total cumulative impact based on historical and future encroachment on both sides of the drainageway.
C. When floodplain encroachment is allowed, a Floodplain Modification Study, or CLOMR, in accordance to the Floodplain Chapter of the Stormwater Management Manual and consistent with the scope of work shall be provided.
D. A Floodplain Development Permit shall not be issued for the construction of a new structure, redevelopment (substantial improvements) of an existing structure or addition to an existing structure on a property removed from the floodplain by issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), where the lowest floor elevation is placed below the Base Flood Elevation (BFE). For this situation, the lowest floor elevation must be two feet above the BFE (Freeboard) that existed prior to the placement of fill to receive an approved Floodplain Development Permit.
E. If the development does not maintain equivalent flood fringe and floodway volumes, the County may not support the proposal.

12-2007.06 UTILITIES
A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
B. New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

12-2007.07 RECREATIONAL VEHICLES
The following standards are required for recreational vehicles placed on sites in floodplains or special flood hazard areas as established in Section 12-2005.02:
A. Shall be located on-site for fewer than 180 consecutive days; or
B. Shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

12-2007.08 EXISTING STRUCTURES IN FLOODPLAINS OR SPECIAL FLOOD HAZARD AREAS
The construction standards contained in this Section shall apply only to substantial improvements or minor remodeling improvements (hereinafter referred to as “improvements”) of existing legal, non-conforming structures, and to other development as permitted by the Floodplain Administrator. All uses of property in a floodplain or special flood hazard area shall comply with applicable floodplain regulations contained in this Code. It is the intent of the County that no new permanent structures be constructed in a floodplain or special flood hazard area and that all such existing legal, non-conforming uses cease upon obsolescence of existing non-conforming structures or be improved to meet the criteria set forth below.
A. General. The following provisions are required:
1. Improvements are permitted for existing structures in the flood fringe but not in the floodway, provided those improvements meet the freeboard criteria in Section 12-2007.03 and do not increase the footprint of the structure.
2. Improvements shall be designed (or modified) and adequately anchored to prevent floatation collapse or lateral movement of the improvement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
3. Improvements shall be constructed by methods and practices that minimize flood damage.
4. Improvements shall be constructed with materials resistant to flood damage.
5. Improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

B. Floodplain Development Permit Requirements. In addition to the permit requirements described in Section 12-2006.04 of these regulations, the following information is required, unless waived by the Floodplain Administrator:
1. Elevation based on NAVD 88 (in relation to the mean sea level) of the lowest floor (including basement) of all substantially-improved structures;
2. Elevation based on NAVD 88 (in relation to the mean sea level) to which any non-residential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Section 12-2007.08(D.).
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Section 12-2006.02(B.)(1.).

C. Residential Construction. Substantial improvement of any residential structure in the floodplain or special flood hazard area shall have the lowest floor (including basement) elevated to or above the minimum freeboard requirement of two feet, described in Section 12-2007.03. A registered Colorado Professional Engineer or land surveyor shall submit certification (Elevation Certificate) to the Floodplain Administrator that the standard of the section above, Section 12-2007.08(B.), has been satisfied.

D. Non-Residential Construction. Substantial improvement of any commercial, industrial, or other non-residential structure in the floodplain or special flood hazard area, shall either:
1. Have the lowest floor (including basement) elevated to or above the minimum freeboard requirement of two feet, as described in Section 12-2007.03, or
2. Together with attendant utility and sanitary facilities, shall be floodproofed so that below the base flood level plus two feet of freeboard, the structure is watertight with walls substantially impermeable to the passage of water, and have structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. A registered Colorado Professional Engineer or architect shall provide certification that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Section. The Floodplain Administrator shall keep records of these certifications (Floodproofing Certification).

E. Enclosures. Improvements with fully enclosed areas below the lowest floor that are used solely for parking or vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit automatic entry and exit of floodwaters.

F. Manufactured Homes. Substantially-improved manufactured homes in an existing manufactured home park or subdivision, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home (including basement) is elevated to or above the minimum freeboard.
requirement of two feet, as specified in Section 12-2007.03, and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. A registered professional engineer or architect shall provide certification to the Floodplain Administrator that the standard of this section and Section 12-2007.08(B.) are satisfied. In addition, the following specific requirements shall be met:

1. Over-the-top ties must be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;
2. Frame ties must be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side; and
3. All components of the anchoring system must be capable of carrying a force of four thousand eight hundred (4,800) pounds.

G. Shallow Flooding Areas (AO and AH Zones) Standards

Areas designated as shallow flooding are located within special flood hazard areas, as established in Section 12-2005.02. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. For areas of shallow flooding, the following provisions apply:

1. Substantial improvements to residential or non-residential structures, shall have the lowest floor (including basement) elevated above the highest adjacent grade plus two feet above the depth number specified in feet on the Arapahoe County FIRM (at least four feet if no depth number is specified.).
2. Adequate drainage paths are required around the structures on slopes to guide flood waters around and away from proposed structures.
3. A registered professional engineer or land surveyor shall submit a certification to the Floodplain Administrator that the standards of Section 12-2007.08(B.) are satisfied.

12-2007.09 CRITICAL FACILITIES

The following standards apply to all critical facilities, as defined in Section 19-200, located in or adjacent to floodplains and special flood hazard areas.

A. Protection of Critical Facilities. The following provisions are required:

1. New construction of critical facilities shall be located outside the floodplain or special flood hazard area, at a minimum. Placement of new critical facilities within the 500-year floodplain is discouraged. The 500-year floodplain mapping shall be based upon the best available information, including floodplain studies produced by FEMA, UDFCD, CWCB, or other studies as approved by the County and accepted by the appropriate local, regional, state or federal agencies.
2. Change of use of a structure to a critical facility or substantial improvement of an existing critical facility in the floodplain shall include elevation of the lowest floor or flood-proofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the Base Flood Elevation. Additionally, no increase in the footprint of the existing facility shall be allowed.

B. Ingress and egress for new critical facilities. New construction of critical facilities, change of use of a structure to a critical facility, or substantial improvements of existing critical facilities shall, when practicable as determined by the County, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.
SECTION 12-2100 TRASH CONTAINERS / DUMPSTERS / ROLL-OFFS

12-2101 RESIDENTIAL USE, SCHEDULED TRASH PICK-UP.
No Trash Container/Dumpster used for regularly scheduled trash pick-up from a residence shall be located within the front setback of any residential dwelling for more than a 24-hour period. All Trash Containers/Dumpsters shall be covered at all times. Residential Dumpsters used for weekly, biweekly or monthly trash removal are PROHIBITED unless in compliance with the following criteria:

1. No more than one small (not to exceed 5 cubic yards) Trash Container/Dumpster may be permitted for regularly scheduled trash pick-up for each residential unit.

2. Trash Container/Dumpster shall not be located in the public right-of-way for trash pick-up.

3. Trash Container/Dumpster must be located behind the front building line of a residence on days not scheduled for trash pick-up and must be placed in an area, or otherwise screened, to prevent visibility from the right-of-way or from a neighboring residential property.

12-2102 AGRICULTURAL USE, SCHEDULED TRASH PICK-UP.
Agricultural properties are allowed one (not to exceed 20 yards) Trash Container/Dumpster, provided the Dumpster is on a scheduled pickup on at least a monthly basis, and is covered at all times and maintained in order to eliminate odors, blowing trash, rodent problems, or other nuisances or hazards.

12-2103 COMMERCIAL OR MULTI-FAMILY RESIDENTIAL USE, SCHEDULED TRASH PICK-UP.
Commercial and Multi-Family Residential Trash Containers/Dumpsters must comply with applicable Development Plan (PDP, FDP, ASP or other approved plan) and setback criteria and screening requirements and other Design Principles of this Chapter specific to Trash Containers or Dumpsters and Trash Enclosures. Trash Containers/Dumpsters must be covered at all times to prevent odors, blowing of trash, rodent problems, or other nuisances or hazards.

12-2104 ASSOCIATED WITH A BUILDING PERMIT OR FOR MOVE-OUT.
Trash Containers/Dumpsters/Roll-offs associated with a building permit for new construction or for demolition and/or remodel of existing construction or temporarily placed for collecting trash and debris during vacation of a building or property (move-out) shall meet the following criteria:

1. Trash Containers/Dumpsters/Roll-offs shall not be located in the public right of way;

2. Trash Containers/Dumpsters/Roll-offs shall be located in areas of least visibility to the extent feasible given constraints of property access and limitations due to location of existing buildings on site;

3. Trash Containers/Dumpsters must be kept covered to prevent odors, blowing of trash, rodents, or other nuisances or hazards;

4. Roll-offs must be maintained to prevent scattered debris and trash or collecting of overflow materials on the ground, rodent problems, or other nuisances or hazards; and
5. Roll-offs or other temporary Trash Containers/Dumpsters must be removed from the site no later than ten (10) days after construction activity has ceased or kept on site for no more than seven (7) consecutive days for the purpose of moving.

SECTION 12-2200 COMMUNITY GARDENS

12-2201 INTENT
The intent of this section is to provide regulations pertaining to Community Gardens for the purposes of encouraging and facilitating availability of locally-grown food, educating residents of the County about gardening, and adding to a sense of community.

Community gardens may be allowed in public, quasi-public and other use areas as defined in this Section subject to the requirements of this section.

12-2202 LOCATION
12.2202.01 Locations Approved. Community Gardens may be located on publicly-owned properties and properties owned and managed by quasi-public agencies and organizations and other use areas to include the following, but excluding the public rights-of-way and areas restricted by drainage easements, floodplains or other limitations:
   A. Public libraries, parks, heritage or cultural facilities, government offices, or other publicly-owned or managed properties.
   B. Properties owned by a Quasi-Public Agency, as defined in this code, such as parks, water districts, fire stations, public schools, or similar properties.
   C. Privately-held properties used for a Quasi-Public Use, as defined in this code, such as religious or cultural facilities, private schools, hospitals, or other use meeting the purpose and intent of this Section.
   D. Common-ownership areas of a residential development, such as parks or recreational facilities managed by a Home-Owners’ Association on behalf of residents, common areas of a multi-family residential development, or similar area meeting the intent of this Section.

12.2202.02 Locations Not Approved. Community Gardens may not locate on a vacant residential lot, on a lot platted within a residential subdivision for a residential structure, on lots zoned for commercial or industrial use, except as otherwise permitted under Locations Approved, or on other areas not consistent with Locations Approved described within this Section.

12-2203 REQUIREMENTS
12.2203.01 Performance Standards. Community Gardens are subject to the following performance standards:
   A. The total gross floor area of any structure for community gardens may not exceed 250 square feet on any lot.
   B. Structures, such as sheds, are limited to 10 feet in height, including pitched roof.
   C. Structures other than perimeter fences shall be set back from property lines a minimum distance of five (5) feet.
D. Perimeter fences shall not exceed six (6) feet in height, shall be at least 50% open if they are taller than four (4) feet, and shall be constructed of wood, chain link, or ornamental metal. Where applicable, fences must meet 30-foot sight triangle requirements of the Land Development Code applicable to placement near roads or driveways. Best efforts should be made to ensure that the fences are compatible in appearance and placement with the character of nearby properties. Fences must be maintained in good condition at all times.

E. One identification sign is permitted and shall comply with the following requirements: maximum sign area 32 square feet; maximum sign height six (6) feet; minimum setback for free-standing sign ten (10) feet; must comply with regulations for 30-foot sight triangle where applicable; non-illuminated.

F. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property.

G. Gasoline or other flammable liquids shall not be stored on site.

H. A responsible party for the garden shall evaluate previous land uses. If visible inspection or land use history indicates that soil contamination may be present, the responsible party shall take appropriate measures to ensure or provide soil that is suitable for gardening.

I. Outdoor lighting is prohibited.

J. Outdoor storage is prohibited. When not in use, all equipment and tools shall be stored in the garden structure (shed) or removed from the site.

K. At all times the garden shall be maintained in good condition so as to prevent nuisance odors and vectors.

L. Gardens shall register with the Planning Division by completing a Community Garden Registration Form. Gardens shall renew their registrations annually by February 1st of each calendar year.

**12.2203.02 Submittal Requirements for Garden Registration**

The applicant shall submit to the County a scaled and dimensional Site Plan showing the following:

A. An overall schematic site plan of the garden on the property showing the relationship of the garden to other features on the site, such as proximity to permanent buildings or other site elements, setbacks from property lines, and sight triangles affecting fence placement.

B. The schematic of the garden must show any proposed fencing, gates, structures (e.g., shed) and other features (e.g., parking, water tap, signage, trash containers, as applicable). The site plan shall identify the materials that will be used for the fencing, gates and any structures.

C. An established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities, adequate liability insurance at $1 million with Arapahoe County as additionally insured, and proof of ownership or lease of the property or other agreement with property owner.

D. A garden coordinator shall be designated to perform the coordinating role for the management of the community garden and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden.
E. The site plan, operating rules, and proof of insurance and ownership or lease or other agreement for use of the property shall be filed with the Planning Division at the time of the completion of the Community Garden registration.

F. Acknowledgment that the applicant is responsible for ensuring compliance with any Conditions, Covenants and Restrictions that may apply to the property. Some properties or developments may be governed by private restrictions and covenants that would not permit a Community Garden.

G. Outside referrals will be sent to all adjacent property owners and Home Owners Associations (HOA’s) for informational purposes.

12-2204 ADDITIONAL ALLOWANCES FOR PRODUCE STANDS
A Produce Stand, as defined in this Code and associated with a registered Community Garden meeting the requirements of this Section, may be permitted as follows:

A. A produce stand shall be permitted as an accessory use to a Community Garden for the sale of fruit, vegetables, plants, herbs or flowers produced on the premises, or from a nearby registered community garden.

B. The stand area shall occupy no more than 100 square feet.

C. The stand shall be located a minimum of ten (10) feet from any property line.

D. Sales shall be limited to two (2) days per week.

E. Hours of operation shall be limited to the hours from 8 A.M. to 8 P.M.

SECTION 12-2300 FARMERS’ MARKETS

12-2301 INTENT
To provide regulations pertaining to Outdoor Farmers’ Markets, as defined in this Code, for the purposes of encouraging and facilitating availability of locally-grown food while adding to a sense of community.

Outdoor Farmers’ Markets may be allowed as a temporary use subject to the requirements of this Section and with prior approval of a Temporary Use Permit under the provisions of Section 12-600 of this Code.

12-2302 REQUIREMENTS

12.2302.01 Performance Standards. Outdoor Farmers’ Markets are subject to the following performance standards and other conditions established with an approved Temporary Use Permit:

A. Outdoor Farmers’ Markets shall comply with State of Colorado applicable regulations for retail food establishments and the sale of unprocessed, uncut fruits and vegetables.

B. Hours of operation shall be limited to the hours approved with the Temporary Use Permit.

C. Outdoor Farmers’ Markets may be approved for the months of May through October.

12.2303.02 Additional Submittal Requirements for Temporary Use Permit
In addition to requirements of 12-600 for an application for Temporary Use Permit, an applicant for an Outdoor Farmers’ Market shall submit to the County a scaled and dimensional site plan showing the
layout of the entire market area, including parking spaces for the use, vehicle access, waste receptacles and restrooms and shall pay any applicable fees for the Temporary Use Permit application.

**SECTION 12-2400  RURAL ENGINEERING STANDARDS**

**12-2401  GENERAL PROVISIONS AND PROCEDURES**

**12-2401.01  APPLICABILITY**

Rural Engineering Standards for Arapahoe County, contained within a stand-alone document, are adopted within the Land Development Code by reference and apply to the A-1 Agricultural and A-E Agricultural Estate Zone Districts as determined by the Public Works and Development Department. A portion of the Rural Engineering Standards included as Appendix R of the Residential Building Code for Arapahoe County also apply to these zone districts.

**SECTION 12-2500  SEPTAGE AND SEWAGE LAND APPLICATION REGULATIONS**

**12-2500.01  Purpose**

The purpose and intent of this regulation is to prohibit the land application of septage or sewage in all zone districts in the unincorporated territory of Arapahoe County, while allowing the land application of biosolids when and where authorized by a current and valid permit issued by the Colorado Department of Public Health and Environment.

**12-2500.02  (or Chapter 19) Definitions**

A. “Biosolids” means 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 Statues, as amended. Biosolids does not include any septage or sewage as defined in these regulations. Reference CRS 25-8-103(1.4).

B. “Land application” means 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.

C. “Septage” means 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.

D. “Septic Tank” means 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).

E. “Sewage” means 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).

12-2500.03  Prohibition of the Land Application of Septage or Sewage

A. The land application of septage or sewage is prohibited in all zone districts in the unincorporated territory of Arapahoe County.

B. 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.

12-2500.04  Violations

The County, through its Zoning Administrator, may enforce the provisions of this Article and the terms, requirements and conditions of a biosolids permit through methods included in this Code or through Colorado State Statute or such other methods lawfully adopted by resolution or ordinance.

12-2500.05  Application to Existing Uses

Notwithstanding any provisions of Chapter 11 of the Land Development Code (Nonconformities), the prohibition against the land application of septage and sewage contained in this Section 12-2500 applies to all properties within unincorporated Arapahoe County, including those properties for which septage or sewage has been applied or for which such use was in existence prior to the adoption of this Section 12-2500, including any amendments thereto.

SECTION 12-2600 BEE-KEEPING REGULATIONS

12-2601 INTENT

To allow for the keeping of bees on residential, single family detached properties not zoned A-E, A-1, A-2, R-A, and R-E. Backyard bees and appurtenant structures are not considered agricultural for purposes of agricultural affidavits. HOA covenants and guidelines may supersede these regulations.

12-2602 RELATED DEFINITIONS

See Chapter 19 for definitions of “bee”, “colony”, and “flyway”.

12-2603 HIVE REQUIREMENTS

A. Number of hive boxes allowed:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Number of Hive Boxes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 20,000 sf</td>
<td>2</td>
</tr>
<tr>
<td>20,000 sf to 1 acre</td>
<td>4</td>
</tr>
</tbody>
</table>
**SECTION 12-2700 CHICKEN-KEEPING REGULATIONS**

**12-2701 INTENT**

To allow for the keeping of chickens on residential, single family detached properties not zoned A-E, A-1, A-2, and R-A. Backyard chickens and appurtenant structures are not considered agricultural for purposes of agricultural affidavits. HOA covenants and guidelines may supersede these regulations.

**12-2702 REQUIREMENTS AND RESTRICTIONS**

In order to be compliant with the County’s code, the following criteria must be met:

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 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.

12-2703 COOP REQUIREMENTS

A. Coops must meet all applicable Building Code requirements. A building permit may be required for coops larger than 120 square feet in area.

B. Maximum coop height: six (6) feet from ground level.

C. Recommended indoor coop floor space is 3 square feet per bird.

D. 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).

E. 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.

History of Chapter 12 Amendments:
Chapter 12 – Specific Regulations
CHAPTER 13  ZONING PROCEDURES

13-100  Planned Unit Development
13-200  Conventional Zoning
13-300  Small Lot Residential Development
13-400  Administrative Site Plan
13-500  (Removed with Resolution 160702)
13-600  (Removed with Resolution 160702)
13-700  Location and Extent
13-800  Special Exception Uses
13-900  Use by Special Review
13-1000 Variances and Interpretations to These Regulations
13-1100 Rural Cluster Option

13-100  PLANNED UNIT DEVELOPMENT

13-101  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.

13-102  Applicability

13-102.01  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).

13-102.02  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 [effective date of these PUD amendments] shall remain valid under the previous PUD regulations.
B. A PDP or FDP approved prior to the effective date of these amendments 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 the effective date of these amendments 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 the effective date 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 [effective date of these PUD amendments] requesting amendments to PDPs, FDPs, MDPs, and ASPs approved before [effective date of these PUD amendments] shall be processed in accordance with the amendment procedures in Section 13-107.

13-103 Land Use and Development Standards

13-103.01 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.

G. 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.

**13-103.02 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 13-100.1 below.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Amount of Open Space (Percentage of net site area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential – up to 4 du/ac</td>
<td>10%</td>
</tr>
<tr>
<td>Residential – 4.1 to 10.9 du/ac</td>
<td>30%</td>
</tr>
<tr>
<td>Residential – 11 du/ac and higher</td>
<td>35%</td>
</tr>
<tr>
<td>Commercial or Public</td>
<td>20% for single story; plus 5% for each additional story, up to a maximum of 35%</td>
</tr>
<tr>
<td>Industrial</td>
<td>20%</td>
</tr>
</tbody>
</table>

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.

**13-104 General Procedures**

All PUD applications for amending the Zoning Map shall follow the procedures outlined in this Section 0. A zoning map amendment to a conventional zone district shall follow the procedures as established in Section 13-200 of this LDC.

**13-104.01 Who May File**

A. An application for a PUD zoning amendment may be initiated by Arapahoe County Planning Commission, the Arapahoe County Board of County Commissioners, the owner of record, or by joint application of the owner of record together with a potential purchaser under a bona fide contract and/or agreement for sale.
B. The Board of County Commissioners shall have the power to condition approval of land use applications upon the receipt of signatures of additional persons with record interests in the land that is the subject of the land use application.

C. Signatures of persons that appear on a land use application or on a final version of an approved land development plan shall constitute such person’s irrevocable consent to the action requested or reflected on or in the document.

13-104.02 Application Process

13-104.02.01 Pre-Submittal Meeting

A. Applicants are required to meet with the Planning Division prior to formal submittal of a PUD application in order to discuss potential issues or concerns relating to the proposed development. At this meeting, staff shall provide information to the applicant about the application requirements and review process.

B. A pre-submittal form must be completed and submitted with a sketch plan or map and documentation as listed in the Procedures Manual along with any required fees.

C. The application and all materials must be submitted at least five business days prior to the scheduled pre-submittal meeting with staff.

13-104.02.02 Application Submittal and Materials

Following the pre-submittal meeting, the applicant must complete an application. Application materials may vary based on the type and complexity of the development proposed, the location of the project, and the service availability to the project site.

A. All applications shall include the forms provided by the Planning Division and all required items indicated on the Submittal Matrix provided to the applicant at the pre-submittal meeting.

B. The applicant shall have the burden of submitting information showing that the application fulfills all applicable standards and requirements in the LDC, and the approval criteria of this Section.

C. Planning and/or Engineering Division Managers may waive or modify any portion of the submittal requirements that they determine is not relevant to the application, and may require the submittal of additional information (before or after referrals to other agencies and/or citizen comments) they determine is necessary to accurately understand the impacts of the proposed PUD.

13-104.02.03 Application Fee

The applicable development review fees shall be paid at the time of submittal of any development application. Development review fees are established by resolution by the Board of County Commissioners and are available on the county’s website.
13-104.02.04 Completeness Determination
A. The Planning staff shall review the application form and materials submitted to determine if the application is complete and consistent with the standards set forth in this LDC.
B. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this LDC.
C. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet and the Submittal Checklist provided after the pre-submittal meeting, and is accompanied by the applicable fee.
D. If the application is determined to be incomplete, a written notice listing the application deficiencies shall be provided to the applicant. No further processing of an incomplete application shall occur until the deficiencies are corrected.
E. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees. It is a violation of this LDC to submit false or misleading information, or to obtain approval of any PUD document based on false or misleading information, and approvals obtained based on such information may be revoked and other penalties imposed as permitted by this LDC.

13-104.02.05 Referral
After determination that an application is complete, the application shall be circulated within Arapahoe County and to outside agencies whose facilities or services may be affected by the application for review. Outside agencies may have service capacity limitations and separate requirements and standards for development that will be commented on during the referral process.

A. Review by Outside Agencies
1. Outside referral agencies are notified of applications and have the opportunity to respond in writing.
2. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review.
3. The referral period is up to thirty (30) days depending on the size and complexity of the application. The referral period may be extended by mutual consent of the applicant and the Planning Division Manager or designee.
4. Failure of an agency to respond within the prescribed time period or extension period may be deemed “no objection” to the application materials as circulated for referral.

B. Review and Coordination of Referral Comments
Following referral agency review, the applicant and Arapahoe County staff will meet to discuss the application’s compliance with the approval criteria in Section 13-106, the applicable standards of this LDC, any standard included in a previously-approved PUD-related document applicable to the same property and the requirements of referral
agencies. Referral agency staff may be asked by Arapahoe County staff to attend the meeting.

C. Revision of Application

The Arapahoe County staff will determine the readiness of the application for a public hearing, if required for the type of application being processed.

1. If Arapahoe County staff determines that the application is not ready for hearing and/or does not comply with the applicable criteria and standards in this LDC (regardless of whether a public hearing is required), the applicant will be requested to revise the application per County and outside referral agency comments. Revisions to the application must be submitted within the timeframes listed in subsection 13-104.07.

2. If a public hearing is required and the applicant chooses not to make the requested revisions, Arapahoe County staff may recommend that the application only be approved with conditions to bring it into compliance with applicable conditions, standards, and referral comments, or may recommend denial of the application.

3. If a public hearing is not required and the applicant chooses not to make the requested revisions, Arapahoe County staff may deny the application or may approve the application with conditions to bring it into compliance with applicable conditions, standards, and referral comments.

13-104.03 Notice Requirements

A. For applications requiring a public hearing, once Arapahoe County staff determines that the application is ready to proceed, a reserved date will be set for a public hearing before Planning Commission. If the application is of a type that requires a public hearing before the Board of County Commissioners, then, following the Planning Commission hearing a reserved date will be set for a public hearing before the Board of County Commissioners.

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 Chapter 17 of this LDC, except that mail notification shall be sent at least fifteen (15) days prior to the Public Hearing

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.

13-104.04 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.

**13-104.05 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:

1. Approve;
2. Approve with conditions;
3. Continue to a date certain;
4. Take the request under advisement to a date certain; or
5. 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 13-106.

D. Upon action by the decision-making body, the applicant and/or duly appointed representative will be notified of the decision as soon as practicable.

1. Copies of the Board of County Commissioners’ resolution may be obtained at the office of the Clerk and Recorder.
2. For General and Specific Development Plans, the official County Zoning Map will be revised to reflect the PUD zone district after date of the final approval by the Board of County Commissioners.
3. Copies of the Planning Commission’s decision may be obtained at the Planning Division.
4. Administrative decisions shall be in writing and may be obtained at the Planning Division.

**13-104.06 Withdrawal and Reapplication**

A. The Planning Division Manager may allow an application to be withdrawn, without prejudice, at any time during the process.

B. If denied by the Board, the submittal of a new application and development review fee shall be required in order to pursue the proposed development.

C. The resubmittal of a General Development Plan or Specific Development Plan application for the same or substantially same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one year period from the date of such denial.
13-104.07  **Lapse of Approval through Inaction**

A. If all required documentation is not submitted within 60 days of the approval of an application by the approving authority for that application, the application will be considered inactive and the applicant will be sent a notice that if submittal is not received within 30 days of the date of the notice all application materials will be returned to the applicant. Reactivation will require a resubmittal.

B. Resubmittals are subject to all development review fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Division.

13-104.08  **Extensions**

A. The Planning Division Manager or Designee may grant extensions of time to comply with specific deadlines in this Chapter 13 for up to twelve (12) months, upon a written request by the applicant or staff for good cause shown. Good cause may include but not be limited to: signatories are out of state or country, or a major change was requested by the Board of County Commissioners.

B. An extension request shall include the required extension fee. Requests for extension may result in delays in completing the County's portion of the application referral, review and approval process. Additional review of the development plan may occur based on changes in the application or administrative or regulatory procedures, resulting in additional conditions being recommended or included in any approval.

C. The denial of an extension by the Planning Division Manager may be appealed to the original approving body in writing within ten (10) working days of the decision by the Planning Division Manager.

13-104.09  **Recording Requirements**

Prior to the County’s mapping or recognition of an approved PUD, the approved GDP and approved SDP may be recorded in the Office of the Arapahoe County Clerk and Recorder. The recording of the approved GDP and SDP and associated documents shall occur within 90 days after approval by the Board. An extension may be granted in writing by the Planning Division Manager pursuant to Section 13-104.08.

13-104.10  **Zoning Map Requirements**

For purposes of mapping, notice and general information, the PUD shall be identified with a label of “PUD”.

13-104.11  **Requirements for Permits after Approval**

A. Approval of a PUD GDP or SDP does not give the applicant authority to build. Other required approvals and permits from the County and outside agencies must be obtained by the applicant prior to development of the site.

B. An application for an Administrative Site Plan under a PUD may be submitted only after an SDP is approved and all required documents have been submitted and recorded (if applicable).
C. An application for an Administrative Site Plan on land that has not been subdivided may only be submitted after a subdivision of land has been approved and all required subdivision documents have been submitted, signed by the county (if required) and recorded (if applicable).

D. Building permits may be issued after an Administrative Site Plan is approved and all required documentation is submitted (and recorded, if applicable).

13-105 Specific Procedures

13-105.01 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>
<thead>
<tr>
<th>TABLE 13-100.2: PUD REZONING PROCESS DECISION-MAKING SUMMARY TABLE (R = Review D = Decision &lt;&gt; Public Hearing)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Process</strong></td>
</tr>
<tr>
<td>Two-Step Process</td>
</tr>
<tr>
<td>PUD Specific Development Plan</td>
</tr>
<tr>
<td>Administrative Site Plan</td>
</tr>
<tr>
<td>Three-Step Process</td>
</tr>
<tr>
<td>PUD General Development Plan</td>
</tr>
<tr>
<td>PUD Specific Development Plan</td>
</tr>
<tr>
<td>Administrative Site Plan</td>
</tr>
</tbody>
</table>

13-105.02 Eligibility for Two-Step or Three-Step Process

A. For property predominantly located west of the line shown in Figure 13-100.1, 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:

1. 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.

2. 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.
3. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.

B. For property predominantly located east of the line shown in Figure 13-100.1, a PUD application that meets the following conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:
1. 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.
2. 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 20 acres or less in land area; and
   e. No building exceeds 40 feet in height.
3. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.

C. All other projects shall be reviewed through the Three-Step PUD review process.

D. Even if a PUD application is eligible under subsection A or Babove, the Planning Division Manager or designee may determine that the PUD application is of a size, intensity of use, or location that may result in environmental, utility, transportation or service delivery impacts that require preliminary analysis before a more detailed site design is considered, and that the Three-Step PUD process is required.

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**Figure 13-100.1 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)
13-105.02. Eligibility for Two-Step or Three-Step Process

Area west of the line is more restrictive/more projects qualify for three-step process.

PUD Thresholds

Arapahoe County Land Development Code  
PUD Update – Effective April 1, 2017 – Resolution 160702
13-105.03  **Two-Step Process**
Where an applicant can provide a high level of detail about the proposed PUD and the proposed development qualifies for the Two-Step process as specified in this LDC, a Two-Step process can be used. The first step in the two-step process is approval of Specific Development Plan (SDP), which establishes the specific land uses and development standards that will govern future development of the property. The second step is approval of an Administrative Site Plan consistent with the approved SDP. The applicant must obtain approval for an Administrative Site Plan (ASP) consistent with the SDP before obtaining a building permit and proceeding with development. Preliminary technical reports and conceptual engineering documents are required for the Two-Step PUD process. Applications that do not meet the submittal requirements contained in subsection 13-105.03(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 13-105.04.

A.  **Flowchart**

Figure 13-100.2 shows the review steps for rezoning to PUD when the Two-Step process applies.
**B. Step One - Specific Development Plan (SDP)**

1. **SDP Application**

   An application for a PUD rezoning in the Two-Step review process shall submit, in addition to the information required by Section 13-104 (General Procedures) the following:

   a. If the application qualifies under 13-105.02(A)(1) or 13-105(B)(1), the requirement for a SDP shall be satisfied by the submittal of:

**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.
i. A document meeting all applicable requirements in subsection 13-105.04(B)(1) of this LDC, and the Procedures Manual; and

ii. A preliminary subdivision plat for the property meeting all applicable requirements of this LDC and the Procedures Manual.

b. If the application is eligible for processing under the two-step process, but does not qualify under subsections 13-105.02(A)(1) or 13-105.02(B)(1) above, the application shall include the following:

i. An SDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:

   - Specific location and land area for each type of land use;
   - Density and unit type for residential areas;
   - Size, floor area and building type for non-residential areas;
   - Location, size and access for parking areas for non-residential and multi-family residential;
   - Location, size and type of dedicated or common open space and public use areas (i.e., schools);
   - Internal circulation system and access points to arterials and collector streets and conceptual location of trails, bicycle paths, and pedestrian ways; and
   - Backbone infrastructure location, layout and system connections (civil construction engineering not required).

ii. Development standards for all uses and development areas contained within the SDP, including landscaping, parking, signs, fences, noise, historic preservation and other applicable standards.

iii. Illustrations showing the general design and character of all proposed uses, landscaping, and buildings including materials palette, building design features and building elevations showing the quality of each type of use in the PUD.

iv. Preliminary technical reports at conceptual level (civil construction engineering not required):

   - Traffic impact study (for projects including more than 25 dwelling units or 15,000 square feet of non-residential floor area) prepared in accordance with the county Guidelines for Traffic Impact Studies;
   - Water source and service capacity;
   - Sewage treatment and service capacity;
   - Phase 2 storm drainage management system and capacity report;
   - Natural hazard mitigation and resource protection at Phase 1 level; and
• Other utility and public safety provider district requirements.

v. Copies of any special covenants, conditions and restrictions.

vi. Subdivision Plat (if new lots are being created or existing lots are being reconfigured or combined).

vii. Development phasing plan.

viii. Development agreement, if applicable.

2. **SDP Review and Approval**

An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 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 recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.

c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

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

1. **ASP Application**

Following the approval of an SDP, the applicant must obtain an approval an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and any applicable utility or service provider. Civil construction engineering documents are required at this stage.

a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09.

b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

2. **ASP Review and Approval**

The general procedures for ASP review are as follows:

a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.

b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.

c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.
13-105.04 Three-Step Process
Where an applicant cannot satisfy the eligibility criteria for the Two-Step process in Section 13-105.02, is not able to provide the high level of detail about the proposed PUD as described in Section 13-105.02, or cannot provide the level of detailed application materials required in subsection 13-105.03(B)(1), 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 13-100.3 shows the review steps for rezoning to PUD when the Two-Step process applies.
B. **Step One - General Development Plan (GDP)**

1. **GDP Application**

An application for a PUD rezoning using the Three-Step review process shall submit, in addition to the information required by Section 13-104, General Procedures, a GDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:
a. The general location of proposed land uses different portions of the site (e.g. low-density residential, multi-family residential, commercial, institutional, industrial, or mixed use);
b. The maximum development density/intensity on different portions of the site;
c. The maximum building heights on different portions of the site;
d. Existing and proposed locations of arterial and collector streets;
e. General methods for buffering and screening of dissimilar uses within and adjacent to the GDP site;
f. Evidence that required infrastructure and drainage will be provided by and is within the infrastructure and capacity of the applicable service provider(s), which evidence may be in the form of “will-serve” letters from service provider(s), and which must include a Phase 1 storm drainage management system and capacity report. However, civil construction engineering drawings and specifications are not required at this point.

2. **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 13-104 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 recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.
c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

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

1. **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 13-105.03(B)(1), 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.

2. **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 13-104 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 13-106 below.

D. Step 3 - Administrative Site Plan (ASP)

1. ASP Application
Following the approval of an SDP, the applicant must obtain approval of an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and those of any applicable utility or service provider. Civil construction engineering documents are required at this stage.

a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09 of this Section.

b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

2. ASP Review and Approval
The general procedures for ASP review are as follows:

a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.

b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.

c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

13-106 Approval Criteria

13-106.01 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 13-106.02 and 13-106.03 below:

A. It generally conforms to the Arapahoe County Comprehensive Plan; and

B. It complies with the standards for conventional rezoning pursuant to Section 13-201; and

C. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options;
improvements in utilities and services; or innovative housing or employment centers; and
D. It is consistent with the purpose of the Planned Unit Development District as stated in Section 13-101 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.

13-106.02 Approval Criteria for General Development Plan (GDP)
In addition to meeting the criteria in Section 13-106.01 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.

13-106.03 Approval Criteria for Specific Development Plan (SDP)
In addition to meeting the approval criteria in Section 13-106.01 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.

13-106.04 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.

13-107 Amendments

13-107.01 Application for Amendments
A. Amendments to an existing PUD Development Plan require either the signature of all current owners within the PUD, or in cases where the obtaining the signature of all such owners is not reasonably feasible, the signature of the owners(s) of the land where the proposed amendments would apply.
1. For proposed amendments where it is not reasonably feasible to obtain the signature of all of the current owners within the PUD, the Planning Division Manager shall send a notice letter to all current owners in the PUD notifying them of the proposed amendment and stating there may be impacts to their property.
2. Such notice shall be sent no less than 30 days prior to the Planning Commission public hearing on the proposed amendment, if a hearing on the proposed amendments is required.
B. Amendments that qualify as Administrative Amendments to an approved PUD development plan or ASP shall be reviewed and processed under the procedures for Administrative Amendments in Section 13-107.02. The procedures for Administrative Amendments in Section 13-500 and the procedures for Technical Amendments in Section 13-600 shall not apply to amendments to ASPs subject to this Section 13-100.

C. Amendments that do not qualify as Administrative Amendments to an approved PUD development plan shall be reviewed and processed under the procedures for Major Amendments in Section 13-107.03.

D. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, but it is consistent with the approved SDP, it shall require the submittal of a new ASP for the property. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, and it is not consistent with the approved SDP, the SDP for the property must be amended using the procedures for a Major Amendment.

E. No administrative amendments are allowed for a General Development Plan approved by the BOCC.

13-107.02 Administrative Amendments

A. Eligibility for Administrative Amendments

Amendments to an SDP are eligible for administrative approval (meaning approval by the Planning Division Manager), provided that all of the following conditions are met:

1. Land Uses
   a. No increase in the permitted number of residential dwelling units or no change in residential unit type (for instance: from single-family detached to single-family attached or to multi-family dwelling units).
   b. No change in permitted nonresidential uses between use categories (commercial, industrial, office, or public uses). Changes within any of those four use categories are permitted, subject to the limitations of Section 13-102.02(D).
   c. No change affecting an area greater than:
      i. Five acres in size for properties located in the area described in Section 13-105.02(A) and shown on Figure 13-100.1.
      ii. 20 acres in size for properties located in the area described in Section 13-105.02(B) and shown on Figure 13-100.1.
   d. Land uses that are listed on a previously approved GDP and not included on a subsequent SDP (or included in a previously approved PDP and not included in a subsequent (FDP) may be approved, subject to the limitations of Section 13-102.02(D).

2. Development Standards
   a. No increase in total lot coverage greater than ten percent.
   b. No decrease in setbacks greater than ten percent.
   c. No increase in residential density within any residential area shown on the SDP.
   d. No increase in total gross floor area of non-residential uses (commercial, industrial, office, or public) greater than 10 percent.
   e. No consolidation of non-residential floor area into one building resulting in a building containing more than 100,000 square feet of gross floor area that was not shown on the SDP.
f. No increase in building height within 100 feet of residential property lines.
g. No increase in building height greater than five percent where the building is located more than 100 feet from residential uses.
h. No decrease in off-street parking that results in off-street parking being more than ten percent below the parking standards of this LDC.
i. No change to an area of the SDP greater than five acres in size. The Planning Division Manager may waive the size limitation upon a determination that the proposed amendment and area to be amended has no significant impact to the surrounding land uses and no change in intent of the PUD.

3. Open Space/Buffers
   a. No change in the location of or access to allowed on open space.
   b. No decrease in open space.
   c. No decrease in the width of buffer areas adjacent to residential zone districts.

4. Utilities/Infrastructure
   a. No changes to of backbone infrastructure that would affect any property other than the applicant’s property.
   b. No change in connections to off-site infrastructure unless a letter from the service provider states that the relocation of the connection does not require additional off-site improvements and does not change the ability of the service provider to adequately serve the PUD.
   c. No change in the location of access points to arterial or collector roads external to or within the PUD by more than 25 feet unless the Engineering Division determines there is no practical alternative to the change due to terrain or engineering considerations.

5. Location
   No change to any area of the SDP that is adjacent to a residential zone district that was not included in the boundaries of the original PUD GDP or SDP approval.

6. Ordinances
   No conflict with the standards and requirements of this LDC or any applicable resolutions or ordinances.

7. Cumulative Effect
   The criteria listed in this section apply to the cumulative effect of the proposed amendment together with all administrative adjustments previously approved for the parcel. For example, an Administrative Site Plan that has previously received an Administrative Amendment to exceed the original lot coverage limit by four percent may not receive an additional Administrative Amendment that would increase lot coverage more than an additional one percent above the originally approved lot coverage limit, for a cumulative total adjustment of ten percent compared to the original SDP approval.

B. Approval Criteria
   An Administrative Amendment may be approved by the Planning Division Manager provided the amendment:

   1. Meets the conditions listed in subsection 13-107.02(A) above;
   2. Does not result in a change to the overall character or intent of the PUD;


3. Will not materially interfere with the development or use of adjacent lands or public interest; and
4. Will not pose a danger to the public health or safety.

13-107.03 Major Amendments
An amendment to a General Development Plan, or an amendment to a Specific Development Plan that is not eligible for an Administrative Amendment, shall be processed, reviewed, and approved under the same procedures as required for the original GDP or SDP approval.

13-108 Appeals

13-108.01 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 Board of Adjustment.
   1. Such appeal must be made in writing within ten days after the decision.
   2. The appeal shall be scheduled for the next available Planning Commission meeting.
   3. The Planning Commission shall review the appeal based on the standards and requirements of this Section and the applicable requirements of this LDC. 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.

13-108.02 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.
   1. Written objection must be made to the Planning Division Manager within ten 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.
   2. Following receipt of a written objection, County staff will inform the Board of County Commissioners and applicant of the written objection.
   3. The Board of County Commissioners may decide to review the decision of the Planning Commission, but is under no obligation to do so.
   4. 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 13-104.03, Notice Requirements.
   5. The Board’s action on any request for review of the Planning Commission’s decision shall consider the record developed at the Board hearing, but shall not be limited to consideration of that record.
B. At any stage of the process for review of Planned Unit Development application under the Three-Step process, up to ten (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 13-108.02, on an SDP is a final decision.

13-109 Vested Property Rights

13-109.01 General Applicability
A. In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, an applicant may seek approval of a “vested property right” either by approval of a “site specific development plan” or by approval of a “development agreement” relating to the proposed development. The following approvals shall be eligible for vesting as “site specific development plans”:
1. Specific Development Plans on property that has a recorded final subdivision plat, and where the approval of the SDP does not require revisions to that recorded plat; and
2. Specific Development Plans on property that require recording of an original or amended final subdivision plat, and for which such original or amended final subdivision plat has been recorded; and
3. Such other plans as the Board may designate in an agreement entered into by the County and the landowner.

B. An ASP or amended ASP approved pursuant to an SDP shall automatically be entitled to the same vested rights granted for the SDP to which the ASP relates, for the remaining period of SDP vesting at the time the ASP or amended ASP is approved.

13-109.02 Vested Property Rights – General Provisions
A. Vested property rights, either through a site-specific development plan or a development agreement, may be sought concurrently with or subsequent to approval of a particular PUD Development Plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought.
B. Unless otherwise specified in a development agreement, the grant of vested property rights shall neither preclude nor require compensation for the application of County ordinances and regulations of general applicability, including but not limited to building, fire, plumbing, electrical and mechanical codes and drainage, flood control, water quality, roadway and other regulations and requirements.
C. The process for seeking a “vested property right” is separate from the process for seeking approval of a PUD Development Plan. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by
publication in a newspaper of general circulation within the County no later than fourteen days following approval.

13-109.03 Vested Property Rights - Site Specific Development Plan Procedure

A. Notice Requirements and Public Hearing
A notice of a public hearing relating to a vested property right shall be provided by publishing notice of the public hearing in a newspaper of general circulation and providing mail notification of the public hearing to adjacent property owners.

B. Vesting Period
If approved, the vesting shall last for a period of three years. This period may be extended by the County to the extent permitted by the Vested Property Rights Act (C.R.S. 24-68-101, et seq., as amended).

C. Criteria
1. In considering whether to approve a site specific development plan, the Board may consider whether the applicant has established that the County is able to comply with the requirements of C.R.S. §24-68-105(1) for the vested period without:
2. Being required to pay compensation to the affected landowner, and
3. Injury to others, and
4. Requiring variances, exemptions or waivers of County policies, regulations or rights then in effect.

D. Application Requirements
1. The applicant shall present certified engineering analyses establishing that the existing and planned infrastructure serving the plan is or will be sufficient, at the time development occurs, to meet the projected demand upon such infrastructure during the vested period.
2. The applicant shall also comply with all other requirements of the County for establishment of vested property rights that may be imposed by resolution of the Board of County Commissioners from time to time.

E. Specific Development Plan Determination
1. The creation of a vested property right based on a site specific development plan shall require a public hearing by the Board of County Commissioners. In the case of an application for vested rights based on a Specific Development Plan that does not require a plat or replat and that is being processed under the Two-Step process, the Board hereby delegates the authority to hold the public hearing to the Planning Commission.
2. An SDP may be considered to qualify as a site specific development plan for vested property rights purposes following a determination by the Board of County Commissioners that:
   a. Any forecasts of future off-site land uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan to ensure that development under the site specific development plan will not result in
adverse impacts to county roads or infrastructure or to surrounding properties that might require the county to modify its approval of the site specific development plan.

3. This determination may be requested at the time of the SDP application, or may be requested after approval of the SDP in connection with an application for vested property rights.

13-109.04 Development Agreement Procedures
The process for establishing a “vested property right” relating a development agreement shall involve negotiation of an agreement between the County and the developer. A development agreement may vest property rights created pursuant to previous or concurrent approvals for the following:

- Final Subdivision Plats,
- General Development Plans,
- Specific Development Plans,
- Administrative Site Plans,
- Master Sign Plans,
- Master Drainage Plans,
- Master Traffic Studies,
- Customized review and approval processes, and
- Any other development approval or process determined by the Board to be advisable under the circumstances, together with all amendments to any such development approvals and processes.

A. Notice Requirements and Public Hearing
1. After a proposed development agreement has been negotiated by staff and the applicant, the Board shall conduct a public hearing at which it shall consider and take action on the proposed development agreement.
2. This process shall include posting the subject property with a notice of the public hearing, publishing a notice of the public hearing and providing mail notification to adjacent property owners.

B. Criteria
The County shall consider and act upon requests for vested property rights in its sole discretion. To provide guidance to applicants, and not as a limitation on the discretion of the Board of County Commissioners, the County may consider the following in determining to grant vested property rights:

1. Whether the plan or project is sufficiently well-defined to justify vesting for the period proposed;
2. Whether there are sufficient corresponding benefits to the County and its citizens to justify granting any or all of the vested property rights requested for the development;
3. Whether any forecasts of future off-site land uses, infrastructure, traffic and drainage conditions are reliable throughout the vesting period, as those studies are required to be updated from time to time;
4. Other factors as outlined in resolutions or policies of the Board; and
5. Recommendations, if any, of citizens, County staff and referral agencies.

C. Vesting Period
If approved, a development agreement may establish vested property rights for a period exceeding three years to the extent permitted by the Vested Property Rights Act.

13-109.05 Notice of Approval of Vested Property Right
Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

13-200 CONVENTIONAL ZONING

13-201 INTENT
To provide a process to amend the Zoning Map of any zoning district. A rezoning plan is required whenever a rezoning is proposed from one zone district to another zone district. Therefore, a rezoning process has been established, in accordance with the Administrative Provisions of this document, to provide for the review of land use and/or development criteria revision requests. The criteria listed below shall be considered by the Planning Commission and Board in the review of all rezoning applications. All rezoning applications must meet the following standards:

13-201.01
Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.

13-201.02
Assure compatibility between the proposed development, surrounding land uses, and the natural environment.

13-201.03
Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.
13-201.04
Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.

13-201.05
Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

13-201.06
Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.

13-201.07
Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.

13-201.08
Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.

13-201.09
Enhance the useable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project’s residents and employees.

13-201.10
Ensure the application complies with the requirements of this Resolution and the Arapahoe County Comprehensive Plan.

13-202  GENERAL PROVISIONS
13-202.01
All zone categories, whether straight zoned or PUD zoned, remain subject to further regulation by Arapahoe County except to the extent of legally enforceable vested rights.
13-202.02
Amendments to the requirements, uses and standards of straight zone districts will not automatically affect the requirements, uses and standards of already zoned property, unless so stated in the amendment or in subsequent amendments.

13-202.03
Following approval of a conventional rezoning, an Administrative Site Plan/Subdivision Development Plan may be necessary in accordance with Chapter13.

13-203  GENERAL PROCESS, SUBMITTAL REQUIREMENTS, AND EXPIRATION OF APPROVAL PROCEDURES
All Rezoning applications shall follow the PDP requirements (per Chapter 13 herein). The Rezoning exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

13-203.01
The title block shall contain the following: A-B-C REZONING PLAN County of Arapahoe State of Colorado, A part of 1/4 Section X, Township Y South, Range Z West of the 6th P.M.

13-203.02
Legal description of the subject property. A metes-and-bounds or description to the centerline of any abutting and adjacent streets shall be used. The area of the rezone in acres or square feet shall be included.

13-203.03
A rezoning request statement, indicating the current zoning classification of the subject property, and the zoning classification requested.

13-203.04
A rezoning map, a graphic representation of the subject property and the adjacent streets and properties showing:

13-203.04.01
Subject property – based on the legal description, and using a scale of one inch/100 feet or larger, show the subject property with the existing and proposed zoning, any existing buildings and structures, any one-hundred year floodplains, topographic contours, and related physical conditions that may influence the rezoning request.
13-203.04.02
Adjacent properties and parcels – show the adjoining properties and include information on existing zoning, existing land uses(s), and existing project/property names, if known.

13-203.04.03
Adjacent streets – show all adjacent streets and list street names, street classification, right-of-way widths, and existing level of improvement.

13-203.04.04
Vicinity map – at a scale of 1”/ 2000’, with a north arrow and an emphasis on the major roadway network within one mile of the subject property.

13-203.04.05
Standard certifications, to include:

1. Owner’s signature block, with dateline and title line.
2. Planning Commission Recommendation block
3. Board of County Commissioners approval block
4. Surveyor Certification

13-203.04.06
A Case Number line in the lower left-hand corner of the rezoning map sheet

13-203.04.07
Other items as required by the County shall be shown on the rezoning map.
SECTION 13-300  SMALL LOT RESIDENTIAL DEVELOPMENT

13-301  INTENT

A. These regulations are intended to address small lot residential developments for both single family detached and attached developments as defined as those developments with 25% of lots under 6,000 square feet in size. These requirements are designed to minimize the objectionable impacts of small lot development such as: the canyon-like effects from large homes on smaller lots, a congested feeling within development due to inadequate open space, monotonous use of setbacks, and associated street shading in the winter time.

B. A determination of the acceptability of a proposed small lot subdivision which meets the Intent of this section will depend on issues such as: maximum building coverage, maximum volume of a building on a lot, staggered or varied setbacks, architectural variety, alternatively loaded garages, open space amenities, landscaping features and privacy fencing details.

C. The street frontage shall not be dominated by garages or driveways. Careful consideration must be made for building and garage placement in order to mitigate the dominance of the garage along the street frontage.

D. A small lot subdivision will be further evaluated when proposed on narrower streets than the public roadway standards with restricted parking. This evaluation will include proper mitigation for the increased density and congestion due to narrower streets. All applicable Fire District and PWD Engineering requirements shall apply.

13-302  GENERAL PROVISIONS

A. The following standards are supplemental to the existing standards for a Preliminary or Final Development Plan or a Conventional Rezoning as applicable.

B. For developments containing lots under 6,000 square feet, the development must be aesthetically pleasing, provide reasonable levels of private open space and limit height, mass and configuration of structures to avoid canyon-like or wall-like streetscapes, thereby preventing an over crowded feeling. Solid fences should not be placed on lot lines or be visible from the street unless they can be incorporated without contributing to this same wall-like or over crowded feeling. Consistency in fencing type should be incorporated into the design.

C. When private open space on the lots is minimal, the development must include additional common open space, configured in ways to be useable. The private open space must contribute to a feeling of height and air in the subdivision and lessen the crowded effect of large homes on small lots. Front setbacks shall be staggered to provide verifiable and perceptible change to the front elevation along the street. Covered porches count towards staggering when porches make up at least 50% of the house width excluding the garage.

D. Variation in garage placement along the street includes recessed and alley loaded garages both attached and detached.

E. Developers are strongly encouraged to orient units to the street using features such as prominent front doors, useable front porches or patios accessing the street, architectural detailing and landscape improvements.

F. Detached sidewalks on both sides of the roadway are an allowed option. Sidewalk placement may be considered on a case-by-case basis depending upon site considerations.
which include but are not limited to: topographic constraints, parking requirements, landscaping design and maintenance of the tree lawn.

13-302.01
All open space requirements shall be satisfied in accordance with Chapter 13 of the Zoning Regulations.

13-302.02
All requirements of the Landscaping regulations shall apply in accordance with Chapter 12 as stated herein.

13-302.03 Sidewalks

13-302.03.01 Attached
The front setback shall be a minimum of 18’ from the front of the garage measured to the property line at the back of sidewalk. If the garage is setback from the front of the house, a 15’ setback to the front building line of the house is allowed. A covered porch may extend up to 10’ from the property line.

13-302.03.02 Detached
Detached sidewalks may be placed in easements. When utilized, the sidewalk easement shall span the distance between the property line at the back of curb and the back edge of the sidewalk. The front setback requirement shall be a minimum of 18’ measured from the front building line of the garage structure to the closest back of sidewalk. The front setback of the house may be reduced to a minimum 13 feet from the back of curb (property line) with the porch allowed to encroach up to 4 feet from the back of sidewalk.

13-302.04 Tree Lawn
The minimum tree lawn shall be 4 feet wide.

13-303 Lots from 5,000 to 5,999 Square Feet
The following items are required for lots ranging from 5,000 – 5,999 square feet in size that are subject to the Intent of the Small Lot regulations:

A. An illustration of side setback relationships and front setback variation;
B. An illustration of home to home orientation addressing privacy issues between homes.
C. An illustration of lot coverage showing building footprints, percentage of structural coverage and percentage of open space;
D. A typical plan for developer/builder installed front yard landscaping;
E. Documentation of the number of lots of this size in the overall development; application is an in-fill site, documentation of the lot size mix within the surrounding neighborhood. Small lot developments may be a departure from the surrounding densities. The overall design shall be considered in a determination of compatibility not just density.

F. Variations in garage placement are strongly encouraged. The applicant should demonstrate how this variety has been achieved. Garage placement options include but are not limited to: front loaded and recessed attached and detached, rear loaded and recessed attached and detached or side loaded attached or detached.

G. The garage door openings of one (1) of every two (2) single-family detached buildings that front on the same street in the same block must exhibit at least one of the following alternately loaded designs:
   1. Attached and recessed from the front building line of the home by minimum of three feet with access from the front;
   2. Attached and in the side or rear yard loaded with access by either an alley or a driveway from the side. The garage shall be setback a minimum of 3 feet behind the front building line;
   3. Detached with front, side or rear access and setback a minimum of 3 feet behind the front building line;
   4. Attached and flush with the front building line, provided that a covered porch extends at least 4 feet forward from the front building line of the house and at least the 50% of the house width;
   5. Flush with the front building line and side-loaded.

H. For dwelling units with garage door openings that are not flush, recessed, side-loaded, rear-loaded or detached, garage door openings may be provided in the any of the following ways:
   1. Extending from the front building line of the living unit not more than 10 feet, but with an architectural design element such as bay/box window; covered porch at least 4 feet in depth and 50% of the house width (excluding the garage) across the front building line of the living unit;
   2. A defined outdoor space such as a courtyard that is designed to include the front yard space between the front building line of the living unit and the front building line of the garage, developed to extend at least flush with the garage front building line; and
   3. Extending from the front building line the width of the garage with a side entry garage.

13-304 Lots 4,999 Square Feet and Below
In addition to the requirements listed above, the following items are required for developments containing lots below 4,999 square feet in size and below and are subject to the Intent of the Small Lot regulations:

A. A narrative description of the proposed project including overall design concept and target market;

B. An enlarged and fully dimensioned illustration of a typical cluster, car court, or area of lots that clearly delineates:
   1. Lot configuration,
2. Building footprints,
3. House-to-house relationships
4. Outdoor living and landscape areas,
5. Pedestrian and vehicular access including walks, driveways, streets, and proposed open or greenbelt area;

C. Architectural elevations illustrating:
   1. character,
   2. colors
   3. materials,
   4. street scene;

D. A conceptual landscape plan for developer/builder installed landscaping.

E. An overall land plan showing location and relationship of proposed project to adjacent land uses and/or existing surrounding neighborhoods.

F. Graphically illustrate the relationship between the street, parking, sidewalk placement, front porch/ front entrance and the garage placement.

G. Other items as determined necessary by the PWD Department.

SECTION 13-400 ADMINISTRATIVE SITE PLAN

13-401 INTENT
An Administrative Site Plan is required for the following situations, excluding single-family detached development:

A. All development on vacant land governed by conventional zoning, unless a Use by Special Review (USR), Location and Extent (L&E), or Special Exception Use (SEU) is required.

B. On all development sites within the bounds of a final plat, excluding sites located within the boundaries of a Preliminary Development Plan (PDP).

C. Development of sites within an MDP not covered by a Use by Special Review plans.

D. Additions to buildings located within conventionally zoned areas that are equal to or exceed 50% of the original structure. The determination of what constitutes the original structure is based on the building as shown at the time of initial permit, and not an expanded building based on subsequent permits.

13-402 APPROVAL CRITERIA
The PWD staff will determine if an Administrative Site Plan application meets the following criteria before the Planning Division Manager or her/his designee signs the final version of the plan.
13-402.01
Whether the Administrative Site Plan is consistent with the underlying zoning.

13-402.02
Whether the Administrative Site Plan is consistent with the efficient development and preservation of the entire area within an approved Final Plat.

13-402.03
Whether the Administrative Site Plan will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.

13-402.04
Whether the Administrative Site Plan will adversely affect the public health, safety and welfare.

13-403 SUBMITTAL PROCESS

13-403.01
Prior to submitting an application the applicant will attend a pre-submittal meeting with representatives of the Public Works and Development Department. At the pre-submittal meeting the applicant will receive direction from the County staff that will assist in preparing a complete application for submittal to the County.

13-403.02
Upon receipt of an Administrative Site Plan application, the Planning staff shall review the materials submitted to determine if the application is complete and consistent with the standards set forth in these regulations.

13-403.03
The case planner will refer the complete application for a thirty (30) day review with the various divisions of the PWD Department and County Attorney as required. Administrative Site Plans may require review by outside agencies such as floodplain and drainage service providers, adjacent property owners, life safety providers, adjacent jurisdictions, etc.

13-403.04
The applicant will be notified of any outstanding issues upon completion of this review and will be required to address any deficiencies. The applicant will then submit an amended plan to the County for verification that deficiencies have been addressed by the applicant. Only when all deficiencies have been addressed will the County Staff ask the applicant to submit a final mylar copy of the plan for approval signature.

13-403.05
Prior to County signature of the approved plan, the applicant must submit all required documentation, and a certificate of taxes paid. No administrative Site Plan shall be signed by the County unless all delinquent taxes and special assessments thereon have been paid.
13-403.06
Prior to County signature of the approved plan the applicant shall provide evidence through a current title insurance policy or commitment (no more than six (6) months old) that the signature of the owner on the mylar is the owner or an authorized agent of the owner of the property.

13-403.07
Upon acceptance of the final mylar by the PWD Department, the Administrative Site Plan will be signed by the Planning Division Manager.

13-404 ADMINISTRATIVE SITE PLAN SUBMITTAL REQUIREMENTS
A Submittal Requirements Matrix is available from the Planning Division outlining the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on Planning Division review. The following items are required as part of an ASP submittal.

13-404.01
Copies of the notes from the pre-submittal meeting pertaining to the application.

13-404.02
A completed land-use application. Application forms are available from the Planning Division.

13-404.03
Application fee(s). Fee Schedules are available from the Public Works and Development Department.

13-404.04
A Letter of Intent that explains, justifies and validates what is proposed on the plans submitted as part of the application. State all facts relied upon and provide documentation where possible.

13-404.05
If the applicant is not the land-owner, a notarized letter of authorization from the land owner permitting a representative to process the application.

13-404.06
Proof of ownership in the form of an updated or current title certificate, title insurance policy, or title commitment that has been renewed within the six (6) months prior to the submittal of an application. The proof of ownership must be current or updated no more than 30 days prior to the County signing the approved plan. A title commitment must be provided for all lands to be conveyed to the County.

13-404.07
An Administrative Site Plan Exhibit drafted in accordance with the provision in this Land Development Code.
13-404.08
A treasurer’s Certificate of Taxes due.

13-404.09
Technical Reports as required by the Engineering Services Division.

13-404.09.01
Construction Plans for the proposed development’s public improvements including street plan and profile sheets, storm drainage improvements plans and other improvements, prepared in accordance with the Infrastructure Design and Construction Standards.

13-404.09.02
Pavement Design Report prepared in accordance with the Infrastructure Design and Construction Standards.

13-404.09.03

13-404.09.04
A Traffic Study prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless waived by the Engineering Services Division.

13-405  ADMINISTRATIVE SITE PLAN EXHIBIT

13-405.01
All plans will be 24” x 36” format. No plans shall contain copyright restrictions or public use restrictions.

13-405.02
The font for all plans shall be upper case sans-serif. Font size shall be a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

13-405.03
A title block shall be included, centered at the top of each sheet, containing the project name, type of proposal (Administrative Site Plan), and legal description of the area.

13-405.04
The cover sheet shall include a legal description of the area, date of the drawing, existing zoning of the site, a sheet key and a vicinity map with north arrow (scale of 1” = 2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.

13-405.05
The information presented on the plan shall be logically ordered and appropriately labeled. All sheets will include the County issued case number at the bottom left hand corner of the sheet formatted as “Case No. XXX-XXX.” All sheets will be numerically ordered. All graphic representations, notes, charts, tables and other types of categorized information will be accompanied by common drafting information such as, but not limited to the following:
A. North arrows for orientation.
B. A written statement of scale and a graphic bar scale.
C. A logical system of ordering the different graphic elements of the plan such as numbered details.
D. Expository titles for charts, tables, and other categories of information.

13-405.06
The geographic location, dimensions, maximum heights and gross floor area of all existing and proposed structure(s), the use(s) to be contained within, and the location of entrances and loading points/service areas.

13-405.07
Land-use tables, lists, or schedules comparing the regulations and requirements of the approved underlying uses and zoning to the improvements proposed in the Administrative Site Plan application. This table should address existing and proposed use(s), building heights, gross floor area, residential density, gross floor area ratios, setbacks, open space, etc.

13-405.08
Existing and proposed finished-grade topography at two-foot (2') contours or less tied to a datum acceptable to the County. The applicant shall verify current information regarding what datum is acceptable to the County.

13-405.09
Show and label or dimension the following:

A. Any existing and proposed public and/or private roadways,
B. All proposed points of access to adjacent and/or external roadways,
C. All existing access points on adjacent properties and across adjacent roadways.
D. All proposed curb-cuts.
E. All off-street parking areas.
F. All proposed and existing surfacing materials. (such as asphalt, concrete, gravel, etc).

13-405.10
Provide a parking utilization table that compares the total number of parking spaces or areas proposed and compares this information to the parking required by the Land Development Code. Specify the type of and intended use of all parking spaces indicated (full size, accessible, loading areas, etc.)

13-405.11
All public and private utility service lines and/or main lines with appurtenances, and location(s) and dimension(s) of all existing/proposed easements.

13-405.12
All walks, open and recreation areas, with a description of these improvements.

13-405.13
Location of outdoor trash receptacle systems.
13-405.14
Provisions for emergency vehicle access.

13-405.15
Information pertaining to drainage easements including:
   A. Location
   B. Dimensions
   C. Surface treatment
   D. Recording numbers of recorded easements

13-405.16
Information pertaining to detention ponds including:
   A. Location
   B. Dimensions
   C. Water surface elevation at each storm event
   D. Surface treatment
   E. Volume capacity
   F. Size of the outlet restrictor

13-405.17
A landscape plan that complies with the regulations set forth in this Land Development Code.
The landscape plan will show and label the following landscape features;
   A. All proposed landscape plantings.
   B. The location, type, and size of existing plants to be retained.
   C. The type of mulch or other surface materials proposed.
   D. The location of any water features. If the feature is multipurpose, this should be
      noted.
   E. The location and details of all fences, walls, planters and any other landscaping
      features.

13-405.18
A table of proposed landscaping materials. The table shall compare the amount of landscape
proposed with that required by this Land Development Code. The table will include the
following information for all proposed plant materials:
   A. Common and botanical name of the plant species indicated.
   B. The quantity of all species proposed.
   C. The type and size of installation (ball and burlap, 5 gallon pot, etc).
   D. The caliper of proposed deciduous trees and the height of proposed evergreen trees.
   E. This table shall be divided into the following sub categories:
      1. Deciduous trees
      2. Evergreen trees
      3. Shrubs
      4. Ornamental clump grasses
      5. Types of sod or seed
      6. Perennial and annuals flowers
13-405.19
A dimensioned Signage Plan or Sign Detail describing and illustrating the appearance, size, location, type, color, material, and illumination of all signs. Proposed signs must be designed in accordance with the Sign Regulations section of the Land Development Code.

13-405.20
A Lighting Plan designed in accordance with the Lighting section of this Land Development Code.

13-405.21
Representative architectural elevations of all sides of proposed structures which show building heights, colors, and general textures of materials to be used on the exterior of the proposed buildings

13-405.22
Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.

13-405.23
All Standard Notes and Certifications required by the Arapahoe County staff shall be included on the plan as described in this Land development Code. Any modifications to these notes or proposed non-standard notes must be approved by the County Attorney.

13-405.24
Additional information may be requested by the PWD Department as appropriate to the request, and the Planning Division Manager or designee may waive information required above if it is deemed inappropriate to the request.

13-405.25
Once the review process is complete and the staff has determined that all outstanding issues have been resolved the staff will request a final mylar of the Administrative Site Plan. This final copy of the Administrative Site Plan shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall contain the information listed above unless otherwise specified by the County staff.

13-406   VESTED PROPERTY RIGHTS PROVISIONS

13-406.01
In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, an applicant may seek approval of a “vested property right” by approval of a “site specific development plan” relating to the proposed development. The vested property right shall relate to an approved Administrative Site Plan, and may be sought subsequent to approval of such development plan. The process for seeking a “vested property right” is separate from the process for seeking approval of an Administrative Site Plan.
13-406.02
The process for a “vested property right” relating to a site specific development plan shall follow the process for approval of an Administrative Site Plan. This process shall include posting the subject property with a notice of a public hearing relating to a vested property right, publishing notice of the public hearing and providing mail notification of the public hearing to adjacent property owners. If approved, the vesting shall last for a period of three years. This period may be extended by the County upon request and after posting, publication, mail notification and a public hearing.

13-406.03
Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication no later than fourteen days following approval.

[NOTE: Sections 13-500 Administrative Amendment and 13-600 Technical Amendment were deleted with Resolution 160702, which approved new PUD processes]

SECTION 13-700 LOCATION AND EXTENT

13-701 INTENT
The regulation of the location and extent of public facilities is provided by Colorado Revised Statutes, Section 30-28-110, as amended. It is the intent of the paragraphs of this Section to conform to the provisions of the State Statute, to define the factors to be considered in the “Location and Extent” process, and to prescribe procedures for the orderly consideration of Location and Extent applications in order to effectuate the purposes of the state statute.

13-702 GENERAL REQUIREMENTS AND PROCEDURE
13-702.01
A. No road, park, public way, ground, or space, no public building or structure, and no major facility of a public utility shall be constructed or authorized in the unincorporated areas of Arapahoe County unless and until the proposed location and extent thereof has been submitted to and approved by the Arapahoe County Planning Commission.
B. Routine extensions of public utility lines and minor modifications to existing utility lines and/or facilities shall not be subject to this procedure.

13-702.02
If the Planning Commission disapproves the proposed public facility, or approves it with conditions the applicant is not willing to accept, the applicant may appeal such decision to the Board of County Commissioners, and the Planning Commission shall communicate the reasons for such disapproval to the Board, who may overrule such disapproval by a majority vote.
13-702.03
The applicant shall be responsible for public notice, prior to the Planning Commission and Board of County Commissioners hearings, in compliance with the public notice requirements in Chapter 17, herein.

13-702.04
No public use facilities shall be considered by the Board of County Commissioners unless the applicant posts the property and provides mail notification as outlined in 13-702.03 above, except that the reference to the Planning Commission shall be changed to read “Board of County Commissioners.”

13-702.05
The Planning Commission and the Board of County Commissioners, when applicable, may approve the facilities as submitted, approve it with conditions, or deny the facility. The conditions to be imposed are those necessary, at the discretion of the Planning Commission and Board of County Commissioners, to mitigate or eliminate any adverse impacts of the proposed facility on the surrounding area, and may include the posting of sufficient performance guarantees with the County to guarantee the construction of any improvements.

13-702.06
Upon approval of the Location and Extent, a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The drawing shall be submitted to the PWD Department for the Planning Commission’s signature. The mylar will be kept on file at the PWD Department Planning Division.

13-702.07
Approval of a Location and Extent request shall be and may be subject to stipulations and/or conditions precedent which the applicant is deemed to accept by preparing a reproducible mylar for signature by the Chair of the Planning Commission within sixty (60) days from approval date. If no mylar is submitted, the PWD Department will recommend the Planning Commission rescind approval of this request.

13-702.08
After the Planning Commission Chair signs the final mylar, building permits may be obtained (upon proof of an approved Final Plat prior to Location and Extent approval) if applicable. Many times, the land underlying a Location and Extent is not yet platted.

13-703 SUBMITTAL REQUIREMENTS
Chapter 13: Zoning Procedures

13-703.01
The Location and Extent Plan shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. Name of proposed facility.
B. Land area and legal description.
C. Vicinity map (one (1) mile radius with emphasis on major roadways).
D. Proposed land use for each area and its area in square feet.
E. Existing and proposed public and private rights-of-way serving the site, types of surfacing and width of paving.
F. The existing zoning of the property to be used, as well as the zoning and residential density of all adjacent properties.
G. All easements and drainageways should be identified.
H. Existing and proposed finished grade topography shown at two foot (2') contours, corresponding with datum acceptable to the County.
I. The location(s) and dimension(s) of all existing and proposed structures, the use(s) to be located therein, the building elevations, gross floor area and locations of entrances and loading points.
J. Location of outdoor waste disposal systems.
K. All existing and proposed curb cuts, driveways, parking (including number of spaces) and storage areas. Also, the location(s) and dimension(s) of existing curb cuts and driveways on adjacent properties and across right-of-way.
L. All walks, open and recreation areas with a description of these improvements.
M. An illustrative landscape plan showing locations, general types and sizes of all proposed landscaping materials, fences, walls, planters and any other landscaping features.
N. Provisions for access by emergency vehicles.
O. Signage and lighting devices fully detailed (Chapter 12).
P. Utility lines and appurtenances.

13-703.02
Phase III Drainage Report conforming to the requirements of the “Arapahoe County Storm Drainage Design & Technical Criteria,” if required.

13-703.03
Traffic Report conforming to the requirements of the “Guidelines For Traffic Impact Studies,” if required.

13-703.04
Public Improvement Guarantees, such as dedication of rights-of-way, sidewalk construction, etc., if required.
13-703.05
All Standard Notes, Certificates and dedications required by the County Attorney Staff shall be included on the exhibit as described in Chapter 16. Any modifications to these notes must be approved by the County Attorney. All notes not meeting these specifications shall be removed.

13-703.06
Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.

13-703.07
Additional information may be requested by the Planning Division appropriate to the request, and information required above may be waived by the Planning Division Manager if it is deemed to be inappropriate to the request.

13-704  AMENDMENTS
13-704.01  MINOR CHANGES
The Guidelines used in the Administrative Amendment section will be used to determine if a change is minor. The Planning Division Manager will make the determination. Appeals to the Planning Division Manager’s determination may be made to the Planning Commission. If the changes are deemed minor, the minimum requirements are: one completed application form, one Letter of Intent, and one new revised reproducible final mylar of the Location and Extent Plan for the Planning Commission Chair’s signature. The final mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

13-704.02  SIGNIFICANT CHANGES
If the changes are determined to be significant the proposed amendment to the Location and Extent Plan will involve a resubmittal of documents and a hearing before the Planning Commission for approval of the changes.

13-704.03  LOCATION AND EXTENT AMENDMENT DOCUMENTATION
An Amended Location and Extent Plan shall contain all the original information, plus the items which are being changed. When possible, the development standards should appear in a chart format comparing the approved and proposed standards. Also, an Amendment History must be added to the document. If the amendment is required to be processed by the Planning Commission, the submittal requirements for the Location and Extent process will be required for the amendment.
SECTION 13-800  SPECIAL EXCEPTION USES

13-801  INTENT
To provide for uses within the unincorporated areas of Arapahoe County which require special review by the Board of Adjustment in order to determine their compatibility with surrounding principal permitted uses. Such uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts which could undermine the integrity of the zoning district in which it would be situated and therefore could jeopardize the health, safety and welfare of the existing community.

13-802  SUBMITTAL REQUIREMENTS
13-802.01  All applications for a Special Exception Use shall be submitted to the Secretary of the Board of Adjustment prior to consideration of the request by the Board of Adjustment.
13-802.02  A complete application for a Special Exception Use hearing must contain the following:

A. Letter of Intent requesting the Special Exception Use hearing and fully describing the intended use of the property. The letter must be signed by the property owner and applicant (if different from property owner), and a copy of the owner’s deed must be included in the submittal.
B. A fee established by the Board of County Commissioners shall be established and paid to the Board of Adjustment.
C. A site plan (ten copies) drawn on 24" x 36" sheets, in upper case sans serif to include the following information:
   D. Name of proposed use.
   E. The land area and legal description.
   F. Vicinity map (one (1) mile radius with emphasis on major roads).
   G. The proposed land use for each area and its area in square feet.
   H. Existing and proposed public and private rights-of-way, easements and drainageways.
   I. The existing zoning of the property, as well as the zoning and residential density of all adjacent properties.
   J. The roadways, existing and proposed, serving the site, including the types of surfacing, width of paving and rights-of-way.
   K. Proposed finished grade topography and elevations shown at 2-foot (2') intervals or less, corresponding with datum acceptable to the County.
   L. The location(s) and dimensions of all existing and proposed structure(s), the use(s) to be located therein, gross floor area, locations of entrances and loading points.
   M. Location of outdoor waste disposal facilities.
   N. All curb cuts, driveways, parking (including number of spaces), loading and storage areas.
   O. All walks, open areas and recreation areas, with a description of these improvements.
   P. Location and height of fences, walls, screens, planting and any other landscaping features.
Q. Types of surfacing, such as asphalt paving, concrete, gravel or grass, of the interior of the site.
R. Provisions for access by emergency vehicles.
S. Signs and lighting devices (fully detailed).
T. Utility lines and appurtenances.
U. Drainage report conforming to the requirements of the “Arapahoe County Storm Drainage Design & Technical Criteria,” if required.
V. Traffic report conforming to the requirements of the “Guidelines for Traffic Impact Studies,” if required.
W. Cost estimate of public improvements, if required, such as sidewalks, roadway and/or drainage improvements, etc.
X. An appropriate number of 11”x 17” reductions of the required site plan.
Y. Letter from the appropriate water and sanitation district(s) and fire district stating the availability to serve the proposal.
Z. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.
AA. Additional information may be requested by the Board of Adjustment as appropriate to the request, and information required above may be waived by the Board of Adjustment if it is deemed to be inappropriate to the request.

13-803 APPROVAL STANDARDS

A Special Exception Use shall be approved only if the Board of Adjustment finds that the proposed Special Exception Use:

A. Complies with the minimum zoning requirements of the zoning district in which the Special Exception Use is to be located;
B. Complies with the submittal requirements of this Chapter;
C. Complies with the Arapahoe County Subdivision Regulations;
D. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
E. Will be consistent with the Arapahoe County Comprehensive Plan;
F. Will not result in an over-intensive use of land;
G. Will not have material adverse effect on community capital improvement programs;
H. Will not require a level of community facilities and service greater than that which is available;
I. Will not cause significant air, water, or noise pollution or any other detrimental environmental impacts;
J. Will be adequately landscaped, buffered, and screened;
K. Will not otherwise be detrimental to health, safety, or welfare of the present or future inhabitants of the County.
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13-804 LENGTH OF APPROVAL
A Special Exception Use shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The Special Exception Use may transfer with the sale of the land.

13-805 PROCEDURE
13-805.01 Once the submittal is determined to be complete, the Secretary to the Board of Adjustment will:
A. “log in” the submittal as a bona fide “case”.
B. Refer the submittal to appropriate agencies, which will include the Board of County Commissioners, for a thirty-five (35) day period.
C. Schedule the proposal at a Board of Adjustment hearing.
D. Send posting requirement instructions to the applicant.

13-805.02 After the thirty-five (35) day review period, the Board of Adjustment staff will prepare a report, including recommendations from responding agencies, to the Board of Adjustment. A copy of this report will be available prior to the Board of Adjustment hearing.

13-805.03 The applicant shall be responsible for public notice, prior to the Board of Adjustment hearing, in compliance with the public notice requirements in Chapter 17, herein.

13-805.04 At the hearing, the Board of Adjustment will take one of the following actions regarding the case. It may:
A. Approve as submitted; or
B. Approve with conditions; or
C. Table (for further information, etc.); or
D. Take the request under advisement; or
E. Deny.

SECTION 13-900 USE BY SPECIAL REVIEW

13-901 INTENT
To establish a “Use By Special Review” process and procedure which provides Board of County Commissioner review and approval of certain uses which, although permitted within specific zoning districts, may contradict the purpose of these Regulations as required in this Land Development Code, providing for the public peace, health, safety and welfare. The following criteria shall be used to assist in determining that the proposed Use by Special Review is appropriate:
13-901.01
Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.

13-901.02
Assure compatibility between the proposed development, surrounding land uses, and the natural environment.

13-901.03
Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.

13-901.04
Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.

13-901.05
Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

13-901.06
Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.

13-901.07
Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.

13-901.08
Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.

13-901.09
A. Enhance the useable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project’s residents and employees.
Chapter 13: Zoning Procedures

B. The criteria, just stated, must be addressed prior to approval of any Use by Special Review requests, and are intended to provide clarity of purpose and direction for applicants, neighbors, concerned citizens, and Arapahoe County decision-makers.

13-901.10
In addition to the criteria in sections 13-901.01 through 13-901.09, the criteria set forth in the Regulations Governing Areas and Activities of State Interest in Arapahoe County (“1041 Regulations”) shall also be considered in the evaluation of an application for a Use by Special Review for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company in the A-E, A-1 and I-2 Zone Districts. Part V, sections A. and C., along with Appendix A, of the 1041 Regulations shall be used in determining whether such Use by Special Review should be approved.

13-902 PROCESS, SUBMITTAL REQUIREMENTS AND PROCEDURES
The process, submittal requirements and procedures for Use by Special Review applications are available from the Planning Division.

13-903 SUBMITTAL REQUIREMENTS
A complete application for a Use by Special Review hearing must contain the following:

13-903.01
Letter of Intent requesting the Use by Special Review hearing and fully describing the intended use of the property. The letter must be signed by the property owner and applicant (if different from property owner), and a copy of the owner’s deed must be included in the submittal.

13-903.02
A fee established by the Board of County Commissioners shall be established and paid to the Planning Division (Check made payable to Arapahoe County).

13-903.03
Phase III Drainage Report conforming to the requirements of the “Arapahoe County Storm Drainage Design & Technical Criteria”, if required.

13-903.04
Traffic Report conforming to the requirements of the “Guidelines For Traffic Impact Studies”, if required.

13-903.05
Cost estimate of public improvements such as sidewalks, roadway and/or drainage improvements, etc., if required.
13-903.06
An appropriate number of 11" x 17" reductions of the site plan as determined by the Planning Division.

13-903.07
Letter from the appropriate water and sanitation districts and fire district stating the availability to serve the proposal.

13-903.08
Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.

13-903.09
Owner(s) of Record signature block.

13-903.10
Additional information may be requested by the Planning Division as appropriate to the request, and information required above may be waived by the Planning Division Manager if it is deemed to be inappropriate to the request.

13-903.11
In addition to the above submittal requirements for a Use By Special Review application, the applicant for a Use by Special Review for a Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company shall comply with all of the submittal requirements for a 1041 Permit for “Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Public Utility” as set forth in the Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations).

13-904  EXHIBIT REQUIREMENTS
The Use By Special Review Plan shall be an a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and contain the following information:

A. Project name, type of proposal (Use By Special Review Plan), legal description of the Plan’s land area, date of the drawing, scale and north arrow.

B. Vicinity map with north arrow (scale of 1”=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.

C. The existing zoning of the property, as well as the zoning and residential density of all adjacent properties.
D. The graphic location, dimensions, maximum heights and gross floor area of all existing and proposed structure(s), the use(s) to be contained within, and the location of entrances and loading points.

E. Chart comparing all of the regulations and requirements of the proposed Use By Special Review Plan with those of the zoning district criteria regarding the proposed use(s), building heights, minimum lot area, gross floor area, gross floor area ratios, setbacks, open space, etc.

F. Existing and proposed finished grade topography at two foot (2’) contours or less, tied to a datum acceptable to the County.

G. All proposed curb cut and driveway locations and dimensions, off-street parking locations, dimensions and total numbers by type (full size, accessible, etc.), and types of surfacing, such as asphalt paving, gravel, etc.

H. Public and private utility service lines and/or main lines with appurtenances.

I. All walks, open and recreation areas, with a description of these improvements.

J. Location of outdoor trash receptacle systems.

K. Provision for access by emergency vehicles.

L. Location and dimensions of all existing access points on immediately adjacent properties.

M. Location and dimension and surface treatment of drainage easements, volume capacity of all drainage ponds, and the size of the outlet restrictor(s).

N. An illustrative landscape plan showing locations and general types of all proposed landscaping materials, including fences, walls, planters and any other landscaping features.

O. A Signage Plan describing and illustrating the size, location, type and material of all signs.

P. Location, type and height of lighting devices.

Q. Representative architectural elevation plans of all sides of proposed structures which show building heights, colors and general textures of materials to be used on the exterior of the proposed buildings.

R. Applicable notes and certifications approved by the County Attorney which regulate the development (Airport Influence Area note, off-site improvements note, etc.).

S. Board of County Commissioner’s signature block.

13-905 SPECIFIC PROVISIONS

13-905.01

A. Applicants are required to meet with the Planning Division prior to formal submittal of Use by Special Review requests (unless waived by the Planning staff) in order to obtain input into the appropriateness of the request.

B. In order to assist the Planning staff in determining the completeness of a submittal, the following statement shall be included in the “Letter of Intent” which accompanies the submittal:

C. “I / (We) hereby affirm that this application meets the requirements of the Arapahoe County Zoning Regulations or includes proper requests for variance, waiver or exception from provisions that it does not meet. I understand that if it does not meet these
Regulation’s requirements or if proper requests for variance, waiver or exception are not included, this application may be rejected and the Board of County Commissioner’s hearing dates may be postponed.”

13-905.02
A. The applicant shall be responsible for public notice, prior to the Board of County Commissioners hearings, in compliance with the public notice requirements in Chapter 17.
B. In addition, an applicant for a Use by Special Review for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities Owned by a Private Company shall provide mail notification of any required public hearings to all property owners located within 500 feet of the property boundaries of such proposed Use by Special Review at least 14 days prior to such public hearing.

13-905.03
A. The Board of County Commissioners will cause Notice to be published in relation to said Use by Special Review request. A published notice must be placed within a newspaper of general circulation within the County at least fourteen (14) days prior to the hearing date. This mandatory requirement is a condition precedent to the Board holding a hearing. The applicant, or his authorized representative, will be required to be present in order to testify at the hearing as to the compliance with procedural requirements.
B. An application for a Use by Special Review for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities Owned by a Private Company shall require review by the Planning Commission at a public hearing prior to consideration by the Board of County Commissioners. A published notice of public hearing in a newspaper of general circulation in the County shall also be required at least 14 days prior to the public hearing at the Planning Commission. The County may require publication in the newspaper of general circulation with the largest circulation serving the area affected by the proposed Use by Special Review. With the exception of a Use by Special Review application for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities Owned by a Private Company, all other Use by Special Review applications shall only require a public hearing before the Board of County Commissioners and shall not be reviewed by the Planning Commission.

13-905.04
The Board of County Commissioners will take one of the following actions at their hearing:
A. Approve as submitted; or
B. Approve with conditions; or
C. Table (for further information, etc.); or
D. Take the request under advisement; or
E. Deny.

13-905.05
A. Once the Board of County Commissioners acts on the Use By Special Review request, the applicant and/or duly appointed representative will be notified of the Commissioners’ decision as soon as practicable.
B. Copies of the Board of County Commissioners Resolution may be obtained at the Office of the Board of County Commissioners. The Use by Special Review becomes an approved use after the Board of County Commissioners Chairman signs
the reproducible photographic mylar (prepared such that the text/line work does not bleed, flake, or scratch off) of the Use By Special Review Plan.

13-905.06
Approval of a Use By Special Review request shall be, and may be, subject to stipulations and/or conditions precedent which the applicant is deemed to accept by preparing a reproducible photographic mylar (prepared such that the text/line work does not bleed, flake, or scratch off) for signature by the Chair of the Board of County Commissioners within sixty (60) days from approval date. If no mylar is submitted, the Planning Division will recommend the Board of County Commissioners rescind approval of the request. An extension may be granted in writing by the Planning Division Manager.

13-905.07
If the Board of County Commissioners denies the request, no further applications proposing substantially the same use, uses or mixture of uses can be submitted to the County for a period of at least one (1) year.

13-905.08
An application for a Use by Special Review for Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company may be subject to the financial guarantee provisions contained in Part VI of the Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations).

13-906 AMENDMENTS
13-906.01 MINOR CHANGES
The guidelines used in the Administrative Amendment section will be used to determine if a change is minor. The Planning Division Manager will make the determination. Appeals to the Planning Division Manager’s determination may be made to the Board of County Commissioners. If the changes are deemed minor, the minimum requirements are: one completed application form, one Letter of Intent, and one new revised reproducible photographic mylar (prepared such that the text/line work does not bleed, flake, or scratch off) of the Use By Special Review Plan for the Board of County Commissioners’ signature.

13-906.02 SIGNIFICANT CHANGES
If the changes are determined to be significant, the proposed amendment to the Use By Special Review Plan will involve a resubmittal of documents and a hearing before the Board of County Commissioners for approval of the changes.

13-906.03 USE BY SPECIAL REVIEW AMENDMENT DOCUMENTATION
An amended Use by Special Review Plan shall contain all the original information, plus the items which are being changed. When possible, the development standards should appear in a chart format comparing the approved and proposed standards. Also, an Amendment History must be added to the document. If the amendment is required to be processed by the
Board of County Commissioners, the submittal requirements for the Use by Special Review process will be required for the amendment.

SECTION 13-1000 VARIANCES AND INTERPRETATIONS TO THESE REGULATIONS

13-1001 PURPOSE OF VARIANCE
The purpose of a variance is to allow variance from the strict application of the terms of these Regulations.

13-1002 VARIANCES IN USE PROHIBITED
In no case shall a variance be granted to permit a use other than a use permitted in that district.

13-1003 GRANT OF VARIANCE
A variance may be granted when, by reason of exceptional circumstances, the literal interpretation or application of these Regulations shall create a hardship.

13-1004 CONDITIONS FOR VARIANCE
The establishment of a hardship shall be clearly demonstrated by the applicant for variance, and the following conditions must be shown by the applicant:

13-1004.01 The strict application of these Regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Regulations.

13-1004.02 Any variance shall not grant special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is located.

13-1004.03 Because of special, applicable circumstances, including size, shape, topography, or location, the strict application of these Regulations will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; or that there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

13-1004.04 That the condition or situation for which the variance is sought is not of so general a nature that the formulation of regulations would be necessary to insure consistent application of the regulations.
13-1004.05
That the granting of a variance will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of these Regulations.

13-1004.06
That the granting of a variance will not be contrary to the objectives of the Arapahoe County Comprehensive Plan.

13-1005   PROCEDURE

13-1005.01
Maps, drawings and/or any other substantiating evidence may be required as part of the application. They shall be submitted to the Recording Secretary of the Board of Adjustment prior to the hearing for the variance request.

13-1005.02
At least fourteen (14) days prior to the Board of Adjustment hearing, the applicant shall post a “Notice of Public Hearing”: sign upon the property in locations determined by the Zoning Administrator. Such signs must be visible from the nearest adjacent right-of-way to the parcel associated with the Variance request.

13-1005.03
A “Certification of Posting” form shall be completed by the applicant and submitted to the Board of Adjustment Secretary. Such certification attests to the continual posting of the public hearing sign in the proper location for the required fourteen (14) day period. The Board of Adjustment may require the applicant to testify at the public hearing as to compliance with these procedural requirements.

13-1005.04
A. The property on which a variance is requested shall be posted with a sign not less than three feet by four feet (3’ x 4’) on posts not less than four feet (4’) above natural grade, and shall contain the following information:

NOTICE OF ZONING VARIANCE (INTERPRETATION)*

Notice is hereby given that property upon which this sign is posted shall be considered for a (variance) (interpretation) in zone category ( ) in (specify variance/interpretation requested) requirements. Additional information may be obtained from the recording secretary to the Arapahoe County Board of Adjustment at 720-874-6711. Such hearing is to be held on________day of________, 20__, at____ a.m./p.m. at 6954 S. Lima Street, Centennial, Colorado, 80112 or as soon thereafter as possible.

DATE OF POSTING __________________________________________
NAME OF APPLICANT ________________________________

*(must be 4 inch letters in red)

B. Said sign shall be erected on the property in a prominent place, visible from the nearest dedicated public roadway for a period of not less than fourteen (14) days prior to the hearing.

13-1006 APPLICATION FEE
A fee shall be established by the Board of County Commissioners and shall be paid to the PWD Department at time of application.

SECTION 13-1100 RURAL CLUSTER OPTION

13-1101 APPLICABILITY AND RELATED PROVISIONS
A. A Rural Cluster Option is available within the Rural Area in the A-1 Zone District and portions of the A-E Zone District consistent with the purpose and intent and general requirements stated in Chapter 14 of the Arapahoe County Subdivision Regulations.
B. An applicant for the Rural Cluster Option should refer to Chapter 14 of the Subdivision Regulations for applicable provisions addressing:
   1. Applicability of the rural cluster option within the Rural Areas zoned A-1 and A-E;
   2. Cluster subdivision review procedures;
   3. Standards regarding the minimum amount of conservation area set-aside;
   4. Standards regarding the design of the residential cluster and conservation area components of a rural cluster subdivision;
   5. Standards regarding utility and infrastructure requirements; and
   6. Standards regarding ownership and maintenance of the conservation area(s).

13-1102 COMPONENTS OF A RURAL CLUSTER DEVELOPMENT
A cluster subdivision is comprised of two components: (1) the residential cluster and (2) the conservation area. The residential cluster is the portion of the development parcel that is subdivided into lots for single-family residential and accessory uses. The conservation area is the larger portion of the development parcel that is platted as a tract(s) and permanently preserved for agricultural or open space uses.

13-1103 RESIDENTIAL CLUSTER STANDARDS

13-1103.01 ALLOWED USES ON RESIDENTIAL CLUSTER LOTS
A. Residential Cluster Lots Other Than Conservancy Lots. Notwithstanding the uses allowed in Chapter 4 of the Zoning Regulations, allowed uses shall be limited to one principal single-family dwelling unit, one mother-in-law apartment/dwelling unit attached to the principal dwelling structure, plus the following residential accessory uses:
   1. Home occupation.
   2. Shelter for agricultural implements and tools used to maintain premises.
3. Keeping of not more than one (1) agricultural animal (e.g., horses, cattle, llamas, goats, chickens) per one (1) gross acre.
4. Private stables to keep permitted animals, provided the stable is located on the rear half of the lot and no closer than 25 feet to a lot line and 50 feet to any dwelling unit.
5. Greenhouse, provided products are used for consumption by residents only.
6. Keeping of not more than four (4) domestic pets (e.g., dogs, cats, birds, small animals, reptiles), not including any exotic animals, and provided such pets are customarily kept in homes and are customarily purchased at local pet stores for the sole pleasure and enjoyment of the occupants.

B. **Accessory Buildings.** Notwithstanding the uses allowed in Chapter 4 of the Zoning regulations, allowed accessory buildings shall be limited to:
   1. Maximum Number: In addition to one detached garage, the maximum number of accessory buildings greater than 120 square feet in area shall be two (2). In addition, the maximum number of accessory buildings of 120 square feet or less shall be three (3).
   2. Maximum Size: The maximum size of an accessory building greater than 120 square feet shall be 800 square feet.
   3. Maximum Height of Accessory Buildings: Other than agricultural silos, the maximum height of accessory buildings shall be a maximum of 20 feet.
   4. Minimum Accessory Building Setbacks: All accessory buildings shall comply with the IBC minimum setback from the principal dwelling structure, and shall be a minimum of 50 feet from all lot property lines.

C. **Conservancy Lots.** Notwithstanding the uses allowed in Chapter 4 of the Zoning Regulations, allowed uses on the non-restricted portion of the conservancy lot shall be the same as for other residential cluster lots, as stated in subsection (A) above. On the restricted, conserved portion of the conservancy lot, uses shall be limited to those allowed in Chapter 13, “Allowed Uses and Activities in Conservation Areas,” below.

**13-1103.02 MAXIMUM GROSS DENSITY UNDER RURAL CLUSTER OPTION**

The maximum gross density permitted under the rural cluster option shall be measured using the gross land area (in acres) of the entire parcel that is the subject of the cluster subdivision application (i.e., including land set aside in tracts as the conservation areas).

1. **In the A-E Zoning District:** Gross density not to exceed 2.25 dwelling units per 35 acres is permitted. This represents a 125% increase over gross density typically permitted in the A-E zoning district.
2. **In the A-1 Zoning District:** Gross density not to exceed 1.75 dwelling units per 19 acres is permitted. This represents a 75% increase over gross density typically permitted in the A-1 zoning district.
3. **Calculations.** Where the total number of dwelling units calculated results in a fractional number, the applicant shall round to the nearest whole number.

**13-1103.03 DISCRETIONARY DENSITY BONUSES**

**13-1103.03.01 General Provisions**

A. Bonuses are Discretionary. At the discretion of the Board of County Commissioners, the applicant may earn density bonuses in addition to the maximum gross density permitted under the rural cluster option in Chapter 13, above.
B. **Bonuses are Cumulative.** The applicant may seek application of more than one bonus density provision below, and the total bonus density earned shall be cumulative. However, in no case shall the total density earned through these bonus provisions be increased above the maximum gross density allowed in Chapter 13, above, by more than 100% for the A-E district and by more than 50% for the A-1 district.

C. **Flexibility to Accommodate Bonus Density.**
   1. The Board shall have the authority to vary the minimum lot size and the minimum amount of conservation area required by this Chapter 13 and Chapter 14 of the Subdivision Regulations in order to accommodate the additional lots earned through these bonus density provisions and/or to bolster the economics of central water/sewer systems.
   2. However, in no case shall the Board reduce the minimum lot size to less than 1.5 acres, or reduce the percentage conservation area requirement to less than 60%.
   3. Notwithstanding this provision, cluster lots served by both an onsite wastewater system and an on-lot water well shall be a minimum of 2.5 acres.
   4. Prior to any Board action under this provision to reduce the lot size for cluster lots served by an on-lot septic system, the county shall request the Tri-County Health Department to provide an opinion regarding the proposed reduction.

D. **No Guarantee of Density.** This subsection shall not be interpreted as a guarantee of achievable density. Cluster developments using bonus density provisions shall be subject to all other applicable regulations of this Chapter 13 and Chapter 15 of the Subdivision Regulations. Other regulations or site specific conditions may prevent maximum bonus density levels from being achieved.

E. **20% Bonus for Providing Central (Community) Water.** The County may grant up to a 20% increase in the permitted maximum gross density for providing a central (community) water system to serve the residential cluster lots.

F. **20% Bonus for Providing Central (Community) Sewer.** The County may grant up to a 20% increase in the permitted maximum gross density for providing a central (community) sewer system to serve the residential cluster lots.

G. **20% Bonus for Fire Safety Protection.** The County may grant up to a 20% increase in the permitted maximum gross density for provision of sprinkler systems for fire protection in each approved residential dwelling unit. To be eligible for this bonus, such systems must be approved by the County and the fire district with jurisdiction over the rural cluster subdivision.

H. **10% Bonus for Public Trail Dedications.** The County may grant a 10% increase in the permitted maximum gross density for the development and dedication of public trails, subject to the following conditions:
   1. The trail shall be located east of Manila Mile Road and outside the boundaries of the Urban Drainage and Flood Control District;
   2. The trail shall be located adjacent to riparian corridors and consistent with the Comprehensive Plan, as amended, or consistent with any trails/open space plan as adopted and amended; and
   3. All trails shall be developed in accordance with applicable county construction standards and specifications, and shall provide for convenient public access.
13-1103.04 CLUSTER LOT SIZE/LOT DIMENSIONS/BUILDING HEIGHT

A. Cluster Lot Size. The minimum lot area requirements set forth in Chapter 4 of the Zoning Regulations for the A-E and A-1 districts, respectively, shall not apply to lots within a residential cluster. Instead, lots within a residential cluster shall comply with the following requirements:

B. Residential lots in a rural cluster subdivision in the A-E or A-1 Zoning Districts shall be:

1. A minimum size of 2.5 acres.
2. A maximum size of 10 acres, except for conservancy lots (below).

a. Conservancy Lots.
   i. At the applicant’s option, a residential lot in a rural cluster may exceed the maximum 10 acres if it is developed as a conservancy lot, according to the following standards. A conservancy lot is a buildable cluster lot, a significant portion of which is deed-restricted for conservation purposes. Typically, a conservancy lot is privately owned, and remains under the control of the individual lot owner.
   ii. Conservancy lot shall be a minimum of 20 acres in size.
   iii. A conservancy lot may be a flag lot.
   iv. A minimum of 90 percent of the conservancy lot shall be protected from future development in perpetuity by a conservation easement or other deed restriction acceptable to the County. The total area of the conserved portion of the conservancy lot shall be credited toward the minimum conservation area required in Chapter 14 of the Subdivision Regulations.
   v. A maximum of one single-family detached residential unit, plus related accessory uses, may be developed on a conservancy lot, but not within the portion reserved for conservation purposes. Please see Section 13-1103.01, above, regarding permitted principal and accessory uses within residential clusters.
   vi. The conserved portion of the conservancy lot may be used only as permitted by Chapter 13, “Allowed Uses in Conservation Areas,” below.

Figure 1: Example of Rural Cluster Option incorporating one Conservancy Lot.
C. Maximum Building Height and Minimum Cluster Lot Dimension Requirements.
The maximum building height, minimum lot width, and minimum yard requirements set forth in Chapter 4 for the A-E and A-1 districts, respectively, shall not apply to development on lots within a residential cluster. Instead lots and structures in a residential cluster shall comply with the following standards:

| Maximum Building Height and Minimum Lot Dimension Requirements for Residential Clusters |
|---------------------------------|------------------|
| **Maximum Building Height**     | 35 feet          |
| **Maximum Accessory Building Height** | 20 feet         |
| **Minimum Lot Width**           | 100 feet, except for flag lots permitted according to the County Subdivision Regulations |

**Minimum Front Yard:**
- Principal Structure: 50 feet
- Accessory Structure: Front building line of the principal structure

**Minimum Side Yard:**
- Principal Structure: 25 feet
- Accessory Structure: 50 feet

**Minimum Rear Yard:**
- Principal Structure: 25 feet
- Accessory Structure: 50 feet

D. Minimum Setbacks for Residential and Agricultural Uses.
1. Minimum Setbacks from Agriculture Uses—New Residential Development. Principal residential dwellings shall be constructed consistent with the following minimum setbacks from existing agricultural uses and structures located on adjacent lots, parcels, or tracts (including agriculture uses in the conservation area):
   2. Pasture, cropland, orchards: 200 feet.
4. Minimum Setbacks from Residential Uses—New Agricultural Operations. No livestock pens, fenced corrals, or buildings for keeping livestock shall be located nearer than 200 feet from dwellings existing on adjacent lots or parcels of lands.
5. Minimum Setbacks—Measurement. The setbacks required by this subsection shall be measured from the closest exterior wall of the principal residential dwelling to the closest boundary, edge, or fence/wall of the subject agricultural use or structure. Alternately, the setback may be measured from the closest edge of a designated building envelope for the proposed residential dwelling to the closest boundary of boundary, edge, or fence/wall of the subject agricultural use or structure.
13-1103.05 FENCING STANDARDS

13-1103.05.01 STRICTEST FENCE STANDARD APPLIES
In case of overlapping or conflicting fence standards in this section or in this Land Development Code, the strictest fence standard shall apply.

13-1103.05.02 GENERAL FENCE STANDARDS
A. Fencing should be avoided except as needed for wildlife corridors, domestic animal control, or livestock containment.
B. When fencing is proposed, it shall conform to the topography and shall be of a color and materials that blend with the surrounding natural environment.

13-1103.05.03 PROPERTY LINE FENCING ADJACENT TO CONSERVATION AREAS
A. To the maximum extent possible, property lines adjacent to a conservation area should remain unfenced to preserve the open character of the Rural Area.
B. The property owner may erect fences no higher than 42 inches on a property line bordering a conservation area. Such fences shall be limited to open, non-opaque fence materials (at least 50% open), except that wire mesh (e.g., chain link) and picket-style open fences are prohibited. For general fencing purposes, the County strongly encourages fence types typical of the agricultural fences historically used in the Rural Area, including 2-, 3-, or 4-strand wire fences; post and pole fences; post, pole and wire fences; and buck and pole fences.

13-1103.05.04 RESIDENTIAL PRIVACY FENCING
Privacy fencing and other solid and restricted access fencing shall be restricted to the immediate area surrounding the principal residential structure and shall not be used as a method to designate the outer boundaries of the property. Where building envelopes are designated on the Cluster Subdivision Plat, privacy fencing is permitted only within the building envelope.

13-1103.05.05 FENCING IN WILDLIFE HABITAT
A. Fencing in a critical wildlife habitat area shall not exceed 42 inches in height, except to the extent that staff approves higher fencing to confine permitted domestic animals.
B. Specific fence types and elements shall comply with the Colorado Division of Wildlife’s specific fencing recommendations for the subject application. If CDOW does not recommended specific fence standards during its review, the applicant shall comply with the fencing guidelines and standards recommended for the applicable species in the Division’s manual, Fences with Wildlife In Mind, as amended from time to time.

13-1103.05.06 FENCING ADJACENT TO AGRICULTURAL USES
A. Site-Specific Design. Fences may be constructed to separate new residential development from adjoining agricultural lands and uses. Fences shall be designed on a site-specific basis to minimize impacts to ongoing agricultural operations. All fence wire on barbed wire and combination fences shall be placed on the side of the fence that faces the livestock.
B. Written Agreements. The applicant shall include language, approved by the County, in protective covenants and on the recorded Cluster Subdivision Plat putting cluster lot owners on notice that maintenance of any fence for the purposes of fencing out livestock is the responsibility of the lot owner or the homeowners’ association. Such agreements
shall include a process for notifying owners adjacent to agricultural operations that Colorado has adopted statutory requirements for “fencing out” livestock. Those agreements shall place responsibility for fence maintenance on the developer, the appropriate association, or individual lot owner so long as the agricultural operation continues.

C. Existing Agricultural Access. Fencing shall not in any way interfere with the operation or maintenance of any existing or historic agricultural access, including to historic ditches.

13-1104 CONSERVATION AREA STANDARDS
13-1104.01 ALLOWED USES AND ACTIVITIES IN CONSERVATION AREA(S)

Notwithstanding the uses allowed in Chapter 4 of the Zoning Regulations, the following uses and activities are the only uses allowed in the conservation area(s):

A. Passive open space and trails.

B. Agricultural or ranch uses, subject to the following conditions:

1. Limits on Types of Agricultural Uses Allowed. Agricultural or ranch uses shall be specifically limited to the following types only:

a) The production, cultivation, growing, and harvesting of plant crops, but not including silviculture (forestry).

b) The raising and/or the breeding of livestock, including horses, dairy and beef cattle, sheep, goats, fur-bearing animals, poultry, and swine, but not including confined animal feeding operations (CAFO). Animal grazing shall be prohibited: (a) within 100 feet of the bank of a perennial stream corridor; (b) within 100 feet of delineated wetlands; and (c) within critical wildlife habitat identified by the County. In addition, the number of livestock that may be raised or kept within the conservation area shall be limited, as follows:

i. Large Animal Livestock (horses, cows, cattle, bison, elk, and similar-sized livestock of breeding age with similar waste impacts): 1 animal per 20 acres.

ii. All Other Livestock (chickens, emus, llamas, alpaca, deer, geese, goats, ostrich, miniature horses, sheep, swine, and similar-sized livestock of breeding age with similar waste impacts): 1 animal per 5 acres.

iii. The County may approve requests to keep, raise, or breed a greater amount of livestock than allowed by-right herein through the Special Exception Use process stated in Chapter 13 of these Zoning Regulations. The County shall refer the special exception use application to the National Resource Conservation District (NRCD) for review, and its final decision shall be consistent with the NRCD’s recommendation.

c) The production of nursery products and sod.

d) The harvesting, storage, packaging, processing, distribution, and sale or trade of such commodities where such activities occur at the point of production.

2. Agriculture Support and Related Uses Not Allowed. The agricultural and ranch uses specified above shall not include the uses, structures, and retail services normally associated with agriculture-related or agriculture-support uses such as, but not limited to: Mill feed and farm supply centers, kennels, veterinary hospitals, farm equipment and machinery sales or repairs, the commercial slaughter of animals, commercial riding stables, retail sales of farm goods/products not produced on the same property as where
the point of sale occurs, and similar uses as the Planning Division Manager may determine.

C. Private stables to keep animals permitted on either the conservation area lands or on residential cluster lots.

D. Private barns, sheds, and similar agricultural accessory structures to store equipment necessary to support an active agricultural use of the conservation area.

E. Conservation and restoration of natural areas, including but not limited to riparian corridors and wildlife habitat.

F. Historic structures that are more than 50 years old.

G. Archaeological sites.

H. Perimeter fences, provided such fences comply with the fencing standards stated in this Land Development Code. Opaque, privacy-type perimeter fences and walls are prohibited.

I. Minor utilities and driveways, subject to criteria set forth in this Land Development Code “Utility and Infrastructure Requirements,” and limited to the following:
   1. Easements and improvements for stormwater drainage;
   2. Common or shared driveway used to connect a County access road with the residential cluster(s);
   3. Central sewer systems in accordance with all applicable federal, state, DRCOG, and Tri-County Health Department standards and specifications and subject to Location and Extent review under this Chapter as applicable; and
   4. Central water supply systems in accordance with all applicable federal and state standards and specifications and subject to Location and Extent review under this Chapter as applicable.
CHAPTER 14 SUBDIVISION REGULATIONS

14-100 Provisions
14-200 Preliminary Plat
14-300 Final Plat
14-400 Replat
14-500 Minor Subdivision
14-600 Administrative Replat
14-700 Vacation of Roadways, Public Easements, and Plats
14-800 Plat Correction
14-900 Subdivision Exemption
14-1000 Rural Cluster Options

SECTION 14-100 PROVISIONS

14-101 TITLE
A. This resolution shall be known and may be cited as the Subdivision Regulations of Arapahoe County, Colorado.
B. For the purposes of this Resolution, “The Subdivision Regulations” shall mean the Subdivision Regulations of Arapahoe County, Colorado.
C. The Subdivision Regulations include and incorporate the following separate documents duly adopted by the Arapahoe County Board of County Commissioners:
   4. The “Rural Engineering Standards.”

14-102 PURPOSE
A. The subdivision of land is the first step in the process of urban development. The arrangement of land parcels for residential, commercial, industrial, recreational utilities and other public purposes will determine to a large degree the quality of health, safety, and economy of the environment.
B. These regulations are designed, intended, and should be administered in a manner to:
   1. Implement the Comprehensive Plan.
   2. Establish adequate and accurate records of land subdivision.
   3. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of appropriate adjoining tracts.
   4. Provide for adequate, safe, and efficient public utilities and improvements; and to provide for other general community facilities and public places.
   5. Provide for light, air, parks, and other spaces for public use.
Chapter 14: Subdivision Regulations

6. Provide for protection from fire, flood, and other dangers; and to provide for proper design of storm water drainage facilities and streets.
7. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners/developers of the tract, and the costs of improvements which primarily benefit the whole community be borne by the whole community.
8. Provide for the administration and regulation of special areas and activities as might be delineated in the County Master Plan.

14-103 JURISDICTION

14-103.01 UNINCORPORATED COUNTY

These Subdivision Regulations shall apply to all land in the unincorporated portion of Arapahoe County, Colorado.

14-103.02 ENABLING LEGISLATION

The County is enabled to control the subdivision of all of the land within the unincorporated portion of Arapahoe County by virtue of Article 28 of Title 30 of the Colorado Revised Statutes as amended.

14-103.03 AUTHORITY TO PLAN AND REGULATE

The County has the authority to plan for and regulate the use of land and to administer and regulate special areas and activities as might be delineated in the Master Plan or Comprehensive Plan under Article 65.1 of Title 24 of the Colorado Revised Statutes as amended (H.B. 1041 - 1974).

14-104 ENFORCEMENT

14-104.01 SALE OF LAND BEFORE FINAL PLAT

Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners and recorded or filed in the office of the County Clerk and Recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars nor less than five hundred dollars for each parcel of or interest in subdivided land which is sold. All fines collected under this paragraph shall be credited to the general fund of the County. No person shall be prosecuted, tried, or punished under this paragraph unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land.

14-104.02 TAXES TO BE PAID

No plat for subdivided land shall be approved by the Board of County Commissioners unless, at the time of the approval of platting, the subdivider provides the certification of the County
Treasurer’s office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.

14-104.03 POWER TO ENJOIN FROM SELLING

The Board of County Commissioners of Arapahoe County shall have the power to bring an action to enjoin any subdivider from selling subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners.

14-104.04 POWER TO ENJOIN FROM DEVELOPMENT ACTIVITY

The Board of County Commissioners of Arapahoe County shall have the power to bring action to enjoin any subdivider or developer from engaging in development activities or development in areas which have been identified as special pursuant to Article 65.1 of Title 24 C.R.S. as amended (H.B. 1041-1974) until a final plat, including any extraordinary required evidence or procedures for such specific areas or activities as prescribed in the County Zoning Regulations has been approved by the Board of County Commissioners.

14-104.05 DUTY TO CONFORM

All departments, officials and public employees of the County of Arapahoe vested with the duty of authority to issue permits, shall conform to the conditions of these regulations. It shall be the duty of the Board of County Commissioners, the Director of PWD, District Attorney, or their duly appointed representatives to enforce the provisions of these regulations.

14-104.06 PERMITS TO CONSTRUCT OR IMPROVE

No permits shall be issued by the Director of PWD, nor any other administrative officer of the County, for the construction of any building, or other improvements requiring a permit, upon any land for which a plat is required by this resolution, unless and until the requirements thereof have been complied with.

14-105 AMENDMENTS

After study and recommendation by the Planning Commission, and upon public hearing, this Resolution may be amended by the Board of County Commissioners.

14-106 SEPARABILITY CLAUSE

If an article, section, sub-section, sentence, clauses, or phrase of this Resolution is for any reason held unconstitutional or illegal, such determination shall not affect the validity of the remaining portion of this Resolution.

14-107 EFFECTIVE DATE

This Resolution shall be in effect from the date of adoption by the Board of County Commissioners, pursuant to legal provisions and procedures as required by state statutes of the State of Colorado.
14-108 GENERAL PROVISIONS

A. All subdivision applications shall provide evidence that sufficient regional infrastructure, facilities, networks or systems (hereafter “regional improvements” (Section 15-201.16 and 15-201.17) are available or can be made available to serve the development proposal. Examples of regional improvements include, but are not limited to: traffic signals; major intersection improvements; utilities; arterial road infrastructure serving public facilities (such as schools, parks, libraries, and government offices); bridges; parks; schools; libraries; and public transportation facilities.

B. The Board of County Commissioners may restrict or postpone approval of the subdivision and the issuance of any new building permits until the needs are met. The restrictions may consist of any action or combination of actions which, in the discretion of the Board, sufficiently provide for the particular regional improvements before the impacts of the subdivision create the need for the improvement.

14-108.01 RESTRICTIONS

The restrictions determined by Board of County Commissioners may include any of the following:

A. Postponement of approval of subdivision plats not yet approved; or
B. The imposition of conditions upon approval of the subdivision; or
C. Restrictions or limitations on the issuance of building permits or certificates of occupancy; or
D. The assessment of fees and charges as needed to equitably provide for the cost of the regional improvements; or
E. Required pro-rata contributions toward the cost of the regional improvements prior to approval or permit issuance; or
F. Any combination of the above, with the calculation based upon the benefit to the subdivision and the need created or exacerbated by the subdivision.
G. All applications for preliminary and Final Plat approval must include evidence addressing regional improvements.

14-108.02 NAMING

No subdivision or plat name shall be used which will duplicate, or be confused with an existing or proposed subdivision name. The County reserves the right to name the subdivision.

14-108.03 BUILDING PERMIT

No building permit shall be issued unless all of the property covered within such a Final Plat/Replat is covered by an approved Final Development Plan, ASP, Subdivision Development Plan, or complies with the building permit process.

14-108.04 BUILDING PERMIT – EXEMPTED FROM SUBDIVISION
No building or construction permit shall be issued covering unplatted property prior to approval of the Final Plat, unless the property has been specifically exempted from Final Plat requirement by definition or by official action of the Board of County.

14-109 PROCESSING FEES

14-109.01 FEES PAID WITH APPLICATION

To defray the costs of administrative procedures, the Board of County Commissioners shall require processing fees. Amounts of processing fees shall be determined by the Board of County Commissioners and shall be paid at the time of application.

14-109.02 FEE WAIVER OR REDUCTION

A. A Subdivider may submit a written request to the PWD Department for the waiver of all or a portion of fees or other platting submittal requirements. The letter should set forth the extent of the waiver and the reasons for requesting the waiver.

B. The Planning Division Manager or designee will review the request and make a recommendation to the Board of County Commissioners. The County Commissioners will approve or deny the request based on a review of the evidence and the recommendation of the Planning Division Manager or designee.

14-110 ENGINEERING WAIVERS

14-110.01 AUTHORITY

The Engineering Division has published a document describing the method for requesting and processing requests for variances, exceptions, and waivers of County engineering criteria. Generally, the process involves a three-level authority for hearing and acting on these requests:

A. A Technical Review Committee,
B. The Director of Development Services/Infrastructure Management, and
C. The Board of County Commissioners.

14-110.02 UNFAVORABLE CONSIDERATION

Unfavorable consideration by the Technical Review Committee may be reversed by subsequent action of the Director of Development Services/Infrastructure Management, or ultimately, the Board of County Commissioners. The Board of County Commissioners reserves the right to deny waiver requests approved by the Technical Review Committee or the Director of Development Services/Infrastructure Management.

14-110.03 EXEMPTION FOR DRAINAGE STUDY

An exception to the three level processes is that individual case engineers may approve an Exemption from the drainage study submittal requirement, without Technical Review
Chapter 14: Subdivision Regulations

Committee action, if certain criteria are met. The specific criteria are set forth in Technical Bulletin 89-2 “Procedures for Processing and Approving Drainage Study Exemptions.”

14-110.04 PROCESS

A waiver request must be made in writing, including requests for the Director of Public Works and Development and/or the Board of County Commissioners to reverse the decisions of the lower authority. Administrative Procedural Directive 88-7, “Variances, Exceptions, and Waivers of County Engineering Criteria,” and Technical Bulletin 89-2, “Procedures for Processing and Approving Drainage Study Exemptions,” are available upon request at the Engineering Services Division office.

14-111 DEDICATION STANDARDS

14-111.01 INTENT

Public land dedication shall be provided by the Owner/Subdivider of land which is subdivided to permit residential uses, for use of public parks, public schools and other public purposes to serve the future residents of the subdivision. As used in this Section, the term “other public purposes” would include, but not be limited to, libraries, fire stations, public buildings and other similar facilities.

14-111.02 LAND SUITABILITY AND IMPROVEMENTS

The agency or department eligible for the land dedication must evaluate land suitable for dedication and provide written comments to the Board of County Commissioners prior to the final plat hearing before the Board. Land may also be excluded when determined by the Board of County Commissioners that the land is unsuitable for the development purposes and does not meet County requirements. A determination of land suitability will include the following:

A. LAND FOR PUBLIC SCHOOLS
   1. Land without geologic hazards or contaminated waste;
   2. Land exclusively outside of the floodplain with slopes no greater than 5%;
   3. Land agreed upon by the school district, and
   4. Land with access to a public street of suitable classification.

B. LAND FOR PUBLIC PARKS
   1. Land without geologic hazards or contaminated waste.
   2. Land with appropriate access for pedestrian use with limited parking.
   3. Land strategically located as a link between other open space areas and parklands.
   4. The owner/subdivider shall be required to install street, sidewalk and drainage improvements serving the dedicated site and sewer and water lines to the site. The site shall be preserved in its natural physical condition, unless otherwise approved by the Board of County Commissioners. Public improvements and sewer and water line extensions shall be provided at the time when adjacent improvements are installed, or upon request of the Arapahoe County Board of County Commissioners, and shall be included within the subdivision improvement agreement for the development.
5. Once these improvements have been installed, the school district, park district or other public entity shall be responsible for the repair of any damage to such improvements caused during construction on such dedicated sites.

C. LAND FOR OTHER PUBLIC PURPOSES
   1. Land without geologic hazards or contaminated waste; and
   2. Land that includes floodplain area may use no more than 5% of the floodplain for credit towards the dedication requirement.

14-111.03 FORMULA FOR CALCULATING LAND DEDICATION REQUIREMENT
The method to determine the amount of land to be dedicated by any Owner/Subdivider of residential land shall be based upon the population and students expected to be generated at the time of completion of the project, determined in accordance with the standards set forth in these regulations. The following standards shall be used to calculate the amount of land to be dedicated in connection with final plat approval.

14-111.03.01 ACREAGE REQUIRED FOR PARKS AND OTHER PUBLIC PURPOSES
   A. Public Parks: 6.00 acres of dedicated land/1,000 population
   B. Other Public Purposes: 0.25 acre of dedicated land/1,000 population

114-111.03.02 ACREAGE REQUIRED FOR SUBURBAN AND RURAL PUBLIC SCHOOLS
A. CLASSIFICATION OF SCHOOLS
   Although average household size and student population per household is generally similar throughout Arapahoe County, the regulations should recognize differences between suburban and rural school facilities. The following is a breakdown of the school districts within Arapahoe County that are considered suburban and rural, respectively:

   Suburban School Districts
   Aurora School District No. 28j
   Cherry Creek School District No. 5
   Englewood School District No. 1
   Littleton School District No. 6
   Sheridan School District No. 2

   Rural School Districts
   Bennett School District No. 29j
   Byers School District No. 32j
   Deer Trail School District No. 26j
   Strasburg School District No. 31j
B. LAND REQUIRED FOR PUBLIC SCHOOLS PER STUDENT
The following figures shall be used to determine the land area per student that is required to be dedicated for subdivisions creating new residential units:

1. SUBURBAN SCHOOL DISTRICTS
The land area required is 0.0260 acres per student. This is based on the total land area required for elementary, middle, and high schools divided by the total number of students, or 81.25 acres divided by 3,125 students. It is assumed that elementary schools require 11.5 acres for 650 students, middle schools require 21.75 acres for 675 students, and high schools require 48 acres for 1,800 students.

2. RURAL SCHOOL DISTRICTS
The land area required is 0.0597 acres per student. This is based on the total land area required for elementary, middle, and high schools divided by the total number of students, or 60.06 acres divided by 1,006 students. It is assumed that elementary schools require 8.7 acres for 370 students, middle schools require 17.12 acres for 212 students, and high schools require 34.24 acres for 424 students.

C. POPULATION AND STUDENT GENERATION CALCULATIONS
Calculations for determining population have been broken down into three residential land use densities in dwelling units per acre (du/ac) and with the following persons per dwelling unit and students per dwelling unit:

<table>
<thead>
<tr>
<th>Residential Density</th>
<th>Population Generated</th>
<th>Students Generated</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00 – 7.49 du/ac</td>
<td>2.96 persons/du</td>
<td>0.775 students/du</td>
</tr>
<tr>
<td>7.50 - 14.99 du/ac</td>
<td>2.39 persons/du</td>
<td>0.364 students/du</td>
</tr>
<tr>
<td>15.00 du/ac and above</td>
<td>1.76 persons/du</td>
<td>0.195 students/du</td>
</tr>
</tbody>
</table>

14-111.05 LAND VALUE CALCULATION

14-111.05.01 DETERMINATION TO DEDICATE OR PAY EQUIVALENT
If the Board of County Commissioners determines that the acreage required within a development for schools, parks or other public purposes is too small to be viable or desirable or cannot be integrated into the development, the owner/subdivider shall be required to pay a sum of money to Arapahoe County, Colorado, in lieu of the land dedication requirement set forth in Section 201 and 202 above.

14-111.05.02 APPRAISAL METHOD
A. Equivalent Value: The amount of said sum of money shall be the equivalent value of the area calculated to be dedicated. This shall mean the current fair market value of the total zoned and platted lands, improved with access and utility improvements as required for dedicated sites.

B. Methods to Determine Fair Market Value: There are two methods available to the applicant to determine the fair market value of the land: the Appraisal Method and the Assumed Value Method. Under both methods, the value shall be current to within six months of the Board of County Commissioners hearing on the final plat.
1. **Appraisal Method:** The Appraisal Method shall be followed to determine the fair market value of the property unless the applicant elects to determine the value under the Assumed Value Method described below as Option 2. Under the Appraisal Method, the fair market value of the property is determined by the Board of County Commissioners after consideration of qualifying appraisals submitted to the Board of County Commissioners.
   a. After acceptance of a final plat submittal, the Planning Division shall determine whether cash-in-lieu of land dedication will be required for the plat, and shall mail such determination to the applicant and the public agencies eligible to receive dedicated sites from the development. The determination shall also set forth the estimated cash-in-lieu amounts using the Assumed Value Method.
   b. Unless the applicant notifies the Planning Division of the applicant’s decision to accept the valuation determined by the Assumed Value Method (on a form approved by the Planning Division), the applicant shall submit, prior to the scheduling of a Board of County Commissioners hearing, a complying M.A.I. appraisal of the developable portion of the property which is the subject of the final plat application. The appraisal shall state the fair market value of such property assuming that the final plat is approved, and assuming that the school site is improved with the public improvements and water and sewer facilities required for dedicated sites. The appraisal shall otherwise comply with all form and content requirements for appraisals established by the County Attorney’s Office, if any.
   c. Upon receipt of the applicant’s appraisal, the Planning Division shall mail copies to the public agencies eligible to receive dedicated sites from the development, and shall notify such agencies that they may submit qualifying appraisals for consideration by the Board. The County shall allow sufficient time for submittal of appraisals prior to scheduling the final plat for Board of County Commissioners hearing.
   d. Appraisals which comply with the above criteria and which are certified by a M.A.I. appraiser shall be included within the packet of materials for consideration and determination of value by the Board. All appraisals shall be updated as necessary to ensure that the effective date of the valuation determination is current to within six months of the Board of County Commissioners hearing on the final plat.

2. **Assumed Value Method:** The applicant may waive its right to submit an appraisal, in which case the fair market value shall be determined pursuant to the values set forth in this paragraph.
   a. For proposed subdivisions located within the boundaries of one or more rural school districts, the land value to be used in the cash-in-lieu formula shall be established at $20,000 per acre.
   b. For proposed subdivisions located within the boundaries of one or more suburban school districts, the land value to be used in the cash-in-lieu formula shall be established at $40,000 per acre.
   c. These assumed values shall be periodically updated by the Board of County Commissioners, and these regulations amended accordingly, to reflect changing land values and improvement costs.
   d. In the event an applicant believes that the Assumed Value Method would result in a cash-in-lieu amount greater than the fair market value of the site to be dedicated, the applicant shall have the right, prior to the Board of County
Commissioners hearing, to follow the procedures for valuation pursuant to the Appraisal Method outlined above.

e. In the event an affected public agency believes that the Assumed Value Method would result in a cash-in-lieu amount less than the fair market value of the site to be dedicated, the agency shall have the right to submit an appraisal meeting the requirements of the Appraisal Method. Upon receipt of the agency’s appraisal, the Planning Division shall mail copies to the applicant and other public agencies eligible to receive dedicated sites from the development, and shall notify such parties that they may submit qualifying appraisals for consideration by the Board. The Planning Division shall establish a reasonable deadline for the submission of agency appraisals to allow sufficient time for submittal of all appraisals prior to scheduling the final plat for Board of County Commissioners hearing.

f. Appraisals which comply with the above criteria and which are certified by a M.A.I. appraiser shall be included within the packet of materials for consideration and determination of value by the Board. All appraisals shall be updated as necessary to ensure that the effective date of the valuation determination is current to within six months of the Board of County Commissioners hearing on the final plat. The Board of County Commissioners shall be entitled to determine the correct property value, and shall base its decision upon the evidence presented to it.

14-111.06 CASH-IN-LIEU OF LAND FORMULA

14-111.06.01 Formula

The following formulae shall be used to calculate the dollar amount of the cash-in-lieu of land dedication required for subdivisions, which create lots for dwelling units.

A. LAND FOR PUBLIC SCHOOLS:
   1. Number of dwelling units (du) times the number of students generated per du = total students generated.
   2. Total students times 0.026 acres/student (suburban) or 0.0597 acres/student (rural) = dedicated acres.
   3. Dedicated acres times value of land/acre = the total number of dollars for cash-in-lieu for public school land.

B. LAND FOR PUBLIC PARKS:
   1. Number of dwelling units (du) times the number of persons generated per du = total persons generated.
   2. Total persons generated divided by 1,000 = number of persons per 1000.
   3. Number of persons per 1000 times 6.00 acres = dedicated acres.
   4. Dedicated acres times the value of land/acre = the total number of dollars for cash-in-lieu for public parks.

C. LAND FOR OTHER PUBLIC PURPOSES:
   1. Number of dwelling units (du) times the number of persons generated per du = total persons generated.
   2. Total persons generated divided by 1,000 = number of persons per 1000.
   3. Number of persons per 1000 times 0.25 acres = dedicated acres.
   4. Dedicated acres times value of land/acre = the total number of dollars for cash-in-lieu for other public purposes.

14-111.06.02 Alternate for Combined Dedication and Payment
As an alternative to the above-noted requirements, the Board of County Commissioners may require a combination of dedication of land and payment of a sum of money, provided that such a combination shall be at a minimum of the amount equivalent to the value of the area calculated to be dedicated.

14-111.07 PRIVately OWNED PARKS

Where parks are provided in a proposed subdivision and are to be privately owned and maintained by the future residents of the subdivision for the mutual use and benefit of said residents, such land area and/or improvements may be credited against the park requirements set forth Section herein, provided the Board of County Commissioners finds that it is in the public interest to do so, and that the following standards are met:

A. That the private ownership and maintenance of said land area is adequately provided for by written agreement;
B. That the proposed land area is reasonably adaptable for use for park and recreation purposes. Reasonably adaptable may include but not be limited to, sufficient size, accessibility, location, topography, drainage and soil capacity;
C. That the facilities proposed for said land areas are in substantial accordance with the provisions of this regulation, and are approved by the Board of County Commissioners. All park improvements shall comply with the Arapahoe County Landscape Regulations.
D. The Planning Division is permitted to recommend to the Board of County Commissioners adoption of regulations as further guidelines in the analysis of land suitable for dedication.

14-111.07.01
If the Board of County Commissioners approves such private parks the following notes shall be added to the Final Plat and to the Final Development Plan for the subdivision:

A. The private park site as shown on this plat (plan), shall be maintained in perpetuity by the owner(s), homeowners association, and/or entity other than Arapahoe County.
B. Building permits will be issued for only one-half of the lots in this subdivision until the park facilities have been installed in accordance with the approved plan.
C. When a project consists of one lot, the private park shall be installed prior to the certificate of occupancy.

14-111.07.02
If the Board of County Commissioners determines that privately owned park lands are appropriate to receive credit against the requirements of this section, the amount of credit to be allowed shall not exceed 35 percent of the requirement, and additional funds shall be paid to the County, or additional lands shall be dedicated to the County, or a combination of land and funds shall be provided to the County to fulfill the requirements of this Section based on the needs and recommendations of the affected park district and other affected government entities.

14-111.08 PAYMENT OF DEDICATION REQUIREMENTS

A. Public lands to be designated for use as school sites shall be negotiated directly between the Owner/Subdivider and the appropriate school district subject to the approval of the Board of County Commissioners. The amount of land to be dedicated for school purposes shall be in compliance with the requirements of these Regulations.
B. For property zoned for residential uses, the evidence shows that the school district can serve
the student population expected to be generated from the development. The Board may deny a subdivision request for which the evidence shows that the school district cannot serve the student population generated from the development.

C. If required by the Board of County Commissioners, land areas to be designated for public land dedication should be determined at the time of the zoning hearing or final plat consideration. If required by the Board of County Commissioners, public land dedication or payment-in-lieu thereof should be given prior to or at the time of Final Platting.

D. Public land dedication will be negotiated by the school district, and, if approved by the Board of County Commissioners, may be provided directly to the school district or to the County. Proof of such dedication or payment shall be provided to the Board of County Commissioners.

E. Public land dedication for public parks shall be negotiated with the park district, and, if approved by the Board of County Commissioners, may be given directly to the County or parks district, as determined by the Board of County Commissioners.

14-111.09 PUBLIC LAND FUNDS

14-111.09.01 The Board of County Commissioners shall hold the funds paid to the County until:

A. The acquisition of reasonable sites and land area for parks, fire stations, libraries or other public purposes are determined necessary by the Board of County Commissioners;

B. Other capital outlay purposes for parks to serve the proposed subdivision and future residents thereof are determined necessary by the Board of County Commissioners;

C. The development of sites and land areas for park purposes or other purposes are determined necessary by the Board of County Commissioners.

14-111.09.02 A. After approval of the Final Plat and receipt of the dedications of sites and land areas or payment-in-lieu thereof pursuant to this section, the Board of County Commissioners, through the Arapahoe County Planning Division, shall give written notice to the appropriate local government entities. After receipt of such a notice, the local government entity (including park districts, fire districts and library districts) may request land or funds, and shall demonstrate in writing a need for land or funds for a use authorized this section. The entity requesting such lands and/or funds shall provide written justification setting forth the amount of land and/or funds sought, the proposed uses of said land and/or funds, and the benefits which the residents and future residents of the subdivision for which the land and/or funds were obtained will receive.

B. Requests for land and/or funds shall be made directly to the Arapahoe County Planning Division. The Arapahoe County Planning Division shall review the requests for funds and, on a quarterly basis, present these to the Board of County Commissioners along with the Division’s recommendations. In addition, when the request is for land, the Arapahoe County Planning Division shall inform the Applicant whether a “Location and Extent” hearing is necessary, and, if such a hearing is required, no land shall be transferred until approval has been granted after the hearing process.

C. The Board of County Commissioners, at its discretion, may vote to allocate some of the lands and/or the funds for the subject project and, if approved, will transfer the land and/or funds to the appropriate local government entity.
SECTION 14-200 PRELIMINARY PLAT

14-201 INTENT
A Preliminary Plat is one of the first documents utilized when owners of a property wish to subdivide their property in accordance with State Statutes and Arapahoe County Subdivision Regulations. This Plat is preliminary in nature and the configuration of lots and roadways are considered a minimum requirement that may be subject to revision with the Final Plat review. The appropriateness of the number, configuration and size of the lots will be established by the Board of County Commissioners with Final Plat approvals, when applicable, which could require changes to a Preliminary Plat. The Preliminary Plat shall include all of the contiguous land owned and proposed for development. Special circumstances, such as a road right-of-way, may exist regarding the contiguity requirement and will be reviewed on a case-by-case basis.

14-202 APPROVAL STANDARDS
A Preliminary Plat may be approved upon the finding by the Board of County Commissioners that:

A. The Applicant has provided evidence that provision has been made for a public water supply system, and if other methods of water supply are proposed, adequate evidence that a water supply is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed [Section 30-28133(6)(a) C.R.S.];

B. The Applicant has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [Section 3018-133(6)(b) C.R.S.]; and

C. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the Subdivider and that the proposed use of these areas are compatible with such conditions. [Section 30-28133 (6) (c) C. R. S.]

D. The application is in compliance with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.

E. The application is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest as adopted in the Arapahoe County Zoning Regulations.

14-203 SUBMITTAL PROCESS
A. Prior to submitting a complete application for the Preliminary Plat, a pre-submittal meeting with representatives of the Planning Division and Engineering Division is required, unless waived in writing by the Planning and/or Engineering Division Managers.

B. Following the Pre-submittal meeting, the Applicant must complete all of the requirements of the formal review process as prescribed by the PWD Department. The Planning and/or Engineering Division Managers may waive any portion of the formal submittal requirements in writing.

C. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in
advance of their review. This referral period is 21 days and can be extended by up to 30 additional days by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

D. Following referral agency review, the PWD Department staff will determine the applications readiness to proceed to the Planning Commission.

E. When determined ready, the Preliminary Plat submittal, along with the available comments of the Planning and Engineering Staff and appropriate referral agencies shall be presented at a public hearing of the Planning Commission.

F. Following the recommendation by the Planning Commission, the Staff Planner shall schedule the Preliminary Plat with the Board of County Commissioners for final consideration. The Applicant shall be notified of the hearing date and time.

G. The Preliminary Plat submittal, along with the recommendations of the Planning Commission and staff, shall be presented at a public meeting on the consent agenda of the Board of County Commissioners. The Board shall evaluate the Preliminary Plat, staff recommendations, referral agency comments, Planning Commission recommendations and public testimony and other information relevant to the plat and shall either approve, conditionally approve, table for further study or deny the Preliminary Plat. The Board’s action shall be based on compliance with the adopted standards, regulations, policies and other guidelines.

H. If denied by the Board, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. The resubmittal of a Preliminary Plat application for the same or substantially same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one-year period from the date of such denial. The Applicant may appeal the decision of the Planning Division Manager or designee, in writing, to the Board within 10 days from the date of the decision. An application can be withdrawn, without prejudice, at any time during the process.

14-204 GENERAL SUBMITTAL REQUIREMENTS
A. Completed Land Use Application (Application is available from the Planning Division office);

B. Application fee (Fee Schedule available in the Planning Division office);

C. Written Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

D. Proof of ownership, which includes a current or updated title insurance policy or title commitment;

E. A notarized Letter of Authorization from all landowners permitting a representative to process the application with a disclaimer that no other party’s consent is required;

F. Preliminary Plat Exhibit with all supporting documents required by staff (per Section 14-205 herein). The Preliminary Plat Exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24” x 36” single/double matte
mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. No plans or plats shall include copyright restrictions.

14-204.07 TECHNICAL REPORTS
A. Phase II Drainage Plans shall be initially submitted to the Planning Division. The staff planner shall forward the plans to the Arapahoe County Engineering Division.

B. A Traffic Study prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless otherwise waived by the Engineering Division.

C. The Applicant shall provide evidence that sufficient regional infrastructure, facilities, network or systems are or will be available to serve the development proposal as delineated in this Chapter.

14-204.08 SERVICE FACILITIES
A. The subdivider/owner shall provide evidence of the ability of applicable special service districts, Arapahoe County or other general governments, to service the proposed development.

14-204.09
A. The subdivider shall provide evidence depicting the location of the proposal in relationship to the Mineral Resource Area as delineated on Sand, Gravel and Aggregate Map and the Lignite Coal Deposit Map. (See the PWD Department for more information) No person shall engage in any special development activity or development in any area of special interest without approval of a Final Plat and/or Final Development Plan, whichever may be applicable.

B. A Submittal Requirements Matrix is available in the Planning Division office listing the complete list of submittal items and the proper number. Other submittal requirements may be required based on the PWD Department review.

14-205 PLAT EXHIBIT
The Preliminary Plat shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single,double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. Title Block containing the following information: project name, type of proposal (Preliminary Plat), 1/4 section, section, township, range 6th Principal Meridian, county and state. All sheets of the exhibit shall contain a title block.

B. Vicinity map with north arrow (scale of 1" = 2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal. Each sheet shall have in the bottom left hand corner the case number that reads, “Case No. XX-XXX.”

C. Boundary lines of the proposed Preliminary Plat drawn in a heavy solid line.

D. Existing and/or proposed zoning district boundary lines.
E. Existing contours referred to a datum acceptable to the County Mapping Section with intervals of two (2) feet or less within the parcel and at least one hundred feet (100’) immediately adjacent thereto.

F. All parcels of land to be dedicated for public use or reserved for the use of all property owners in the proposed subdivision, together with the purpose and conditions of such reservations. This shall include the locations and widths of proposed rights-of-way, streets and alleys, together with total lineal footage of public streets and public alleys.

G. Location, width and purpose of all existing and/or proposed public and/or private easements and/tracts, including existing and/or proposed sanitary sewers, utility main lines, culverts, storm sewers and storm water detention areas located within the proposed subdivision and at least one hundred feet (100’) immediately adjacent thereto. The plat must include a chart specifying the ownership and maintenance responsibilities for each easement and tract.

H. Legal description of the proposed subdivision, date of drawing, scale, north arrow and dimensions of proposed lots and blocks to the nearest foot.

I. Drainage channels, wooded areas and other significant natural features within the proposed subdivision and at least one hundred feet (100’) immediately adjacent thereto.

J. Location, widths and names of all existing and/or platted rights-of-way for streets or other public ways within the proposed subdivision and at least one hundred feet (100’) immediately adjacent thereto, railroad rights-of-way, section lines and/or other such features.

K. The boundary and source of reference of any one hundred-year floodplain shall be shown on the Preliminary Plat.

L. The appropriate sight distance triangle shall be designated and dimensions shown at each roadway intersection.

M. The following site development details are to be included on the Preliminary Plat document and may be subject to change as requested by County staff on a case-by-case basis as appropriate:
   1. Total gross land area in acres;
   2. Existing zoning of the property;
   3. Total number of proposed dwelling units or maximum floor area ratio (FAR) if known;
   4. Amount of dedicated public street right-of-way in square feet and acres;
   5. Average lot size and minimum lot size depicted;
   6. Size and purpose of any proposed tracts of land, include the amount of land proposed for open space/landscaping, in square footage and acres;
   7. Net area in acres.

N. Names and addresses of the owner(s), subdivider and surveyor, and the date of survey.

O. Additional evidence as required by the Zoning Regulations for permission to engage in development in areas of special interest shall be submitted with the Preliminary Plat, if applicable.

P. All Standard Notes and Certifications required by the Arapahoe County staff shall be included on the plat as described Section 16-100 herein. The County Attorney must approve any
modifications to these notes or proposed non-standard notes. All notes not meeting these specifications shall be removed.

14-206  EXPIRATION OF APPROVAL
Effective from the date of approval, the Preliminary Plat is valid for 12 consecutive months. Prior to the expiration of the Preliminary Plat, the Applicant may submit a request in writing for an extension to the Planning Division Manager or designee. An extension may be granted pursuant to guidelines approved by the Planning Division Manager or designee for an additional 12 consecutive months. Preliminary Plat approval shall automatically extend for at least one additional consecutive 12-month period if, at the expiration of the initial approval period, a Final Plat application has been accepted for processing and approval is actively being sought.

SECTION 14-300  FINAL PLAT

14-301  INTENT
The Final Plat is one of the documents utilized to finalize land ownership and related interests within the proposed subdivision boundaries. At this stage of development, the subdivider is responsible for finalizing right-of-way and other public land dedications, if applicable, lot and block configurations and easement dedications. In addition, all public improvements associated with the proposed subdivision are identified and quantified, and the subdivider may be required to enter into a Subdivision Improvement Agreement with the County, which guarantees that the appropriate improvement costs are borne by the subdivider. The Final Plat shall include one contiguous parcel of land owned and proposed for development. Special circumstances, such as a road right-of-way, may exist regarding the contiguity requirement and will be reviewed on a case-by-case basis.

14-302  APPROVAL STANDARDS
• A Final Plat may be approved upon the finding by the Board that:
  A. The Applicant has provided evidence that provision has been made for a public water supply system, and if other methods of water supply are proposed, adequate evidence that a water supply is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed [Section 30-28-133(6)(a) C.R.S.];

  B. The Applicant has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [Section 30-28-133(6)(b) C.R.S.]; and

  C. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. [Section 30-28-133 (6) (c) C. R. S.]

  D. The application is in compliance with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.

  E. The application is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest as adopted in the Arapahoe County Zoning Regulations.
F. For property zoned for residential uses, written evidence must be presented to show that the applicable school district can adequately serve the student population expected to be generated from the development. The Board may deny a subdivision request for which the evidence shows that the applicable school district cannot adequately serve the student population generated by the development.

14-303 SUBMITTAL PROCESS

A. Prior to submitting a complete application for the Final Plat, a Pre-submittal meeting with representatives of the Planning Division and Engineering Division is required, unless waived in writing by the Planning and/or Engineering Division Managers.

B. Following the Pre-submittal meeting, the Applicant must complete all of the requirements of the formal review process as prescribed by the PWD Department. The Planning and/or Engineering Division Managers may waive any portion of the formal submittal requirements in writing.

C. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is 30 days and can be extended by up to 30 additional days by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

D. Following referral agency review, the PWD Department staff will determine the applications readiness for a hearing with the Board of County Commissioners. When determined ready, the Final Plat will be scheduled with the Board of County Commissioners.

E. The Board of County Commissioners shall evaluate the Final Plat, staff report, referral agency comments, public testimony and shall either approve, conditionally approve, table for further study or deny the Final Plat. The Board’s action shall be based on the evidence presented and compliance with the adopted standards, regulations and policies.

F. If denied by the Board, the submittal of a new application and processing fee shall be required in order to pursue the proposed subdivision. The resubmittal of a Final Plat application for the same or substantially the same request, as determined by the Planning Division Manager or designee shall not be accepted within one year of such denial. The Applicant may appeal the decision of the Division Manager or designee, in writing, to the Board within 10 days from the date of the decision.

G. Limitations Prior to Approval or Recording of Final Plat

1. Guarantee of public improvements - No Final Plat shall be recorded until the subdivider has submitted, and the Board of County Commissioners has approved, one or a combination of the Subdivision Improvement Agreements.

2. No building or construction permit shall be issued covering unplatted property prior to filing and approval of the Final Plat, unless the property has been specifically exempted from the subdivision process by definition or by official action of the Board of County Commissioners exempting said property from the Subdivision process.

3. No plat shall be approved by the Board of County Commissioners on the subdividing or replatting of real property unless all delinquent taxes and special assessments thereon have
been paid, and unless such property is classified in the appropriate zoning district as defined in the current Zoning Regulations of Arapahoe County.
4. No Final Plat shall be recorded until the subdivider has submitted an Address Plat mylar in accordance with this Chapter.

14-304 GENERAL SUBMITTAL REQUIREMENTS
A. Completed Land Use Application (Application available from the Planning office)

B. Application fee (Fee Schedule available in the Planning office)

C. Written Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

D. Proof of ownership, which includes an updated or current title insurance policy or title commitment

E. A notarized Letter of Authorization from the landowner permitting a representative to process the application with a disclaimer that no other party’s consent is required

F. Final Plat Exhibit. The format for all plans and plats shall be in upper-case sans serif. Font size shall be a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. No plans or plats shall include copyright restrictions.

G. Title certificate or an abstract of titles covering all public lands to be dedicated.

H. Treasurer’s Certificate of Taxes due.

I. Traverse closure computations corresponding to the Final Plat’s legal description and monument records, per this Chapter.

14-304.10 TECHNICAL REPORTS
A. Construction Plans for the proposed subdivision’s public improvements including street plan and profile sheets, storm drainage improvements Plans and other improvements, prepared in accordance with the Roadway Design and Construction Standards Manual.


D. A Traffic Study prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless otherwise waived by the Engineering Division.

E. The Applicant shall provide evidence that sufficient regional infrastructure, facilities, network or systems are or will be available to serve the development proposal as delineated in this Chapter.

F. Phase III Drainage Report and drainage construction drawings prepared in accordance with the requirements of the Arapahoe County Stormwater Manual.
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G. Final Road Construction Plans prepared in accordance with the requirements of the Arapahoe County roadway Design and Construction Standards Manual, when applicable.

H. A Traffic Study shall be prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless otherwise waived by the Engineering Services Division.

14-304.11 SERVICE FACILITIES
The subdivider shall provide evidence of the ability of applicable special service districts, Arapahoe County or other general governments, to service the proposed development and shall also furnish the following:
A. Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed, or sewage disposal means suitability where no central sewage treatment facility is proposed, and
B. Estimated total number of gallons per day of water system requirements where a distribution system is proposed.

14-304.12
A. The subdivider shall provide evidence depicting the location of the proposal in relationship to the Mineral Resource Area as delineated on Sand, Gravel and Aggregate Map and the Lignite Coal Deposit Map. (See the PWD Department for more information) No person shall engage in any special development activity or development in any area of special interest without approval of a Final Plat and/or final development plan, whichever may be applicable.
B. A Submittal Requirements Matrix is available in the Planning Division office listing the complete list of submittal items and the proper number of documents. Other submittal requirements may be required based on the PWD Department review.

14-304.13
A signed general warranty deed must be provided for all dedicated land conveying tracts, or the development rights to such tracts, to the appropriate entity for public use.

14-304.14
General warranty deeds to Arapahoe County shall be provided for rights-of-way that are off-site and associated with the subdivision reflecting widths as required by Arapahoe County. The Final Plat shall not be recorded until all warranty deeds are executed and accepted by the County.

14-305 PLAT EXHIBIT
The Final Plat shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24” x 36” single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. The title of the subdivision, as dedicated, shall be located at the top of each sheet. On each sheet, a subtitle, in smaller lettering, shall indicate the quarter section(s)(1/4), section, township and range in which the subdivision is located. If the subdivision is a replatting of a previously approved subdivision, the replatting information shall be included in the subtitle. The name of the County and the State shall be included in the subtitle. Each sheet shall have the case number in the bottom left hand corner that reads, “Case No. XX-XXX.”
B. Each sheet of the subdivision shall show the date of the survey, north arrow, and the written and graphic scale. The drawing and any revision dates shall be shown on the cover sheet. The minimum scale of the drawing shall be one (1) inch to one hundred (100) feet. Enough sheets shall be used to accomplish this end. Acceptable larger scales are one (1) inch to twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet and sixty (60) feet. The sheet number and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet.

C. Vicinity map (scale of 1”=2000' preferred) showing the subdivision in relation to section lines and existing or proposed streets within one mile.

D. An accurate and complete Monumented Land Survey pursuant to paragraph thirteen (13) of Section 38-51-102 of the Colorado Revised Statutes, shall be made of the land to be subdivided. A traverse of boundaries when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one (1) part in fifteen thousand (15,000).

E. The Monumented Land Survey shall be an accurate reflection of the legal description. The method of description shall be by use of metes and bounds, except that in a replatting, the subdivision, block, tract, and/or lot may be used.
   1. The legal description shall be in the following format:
   2. A parcel of land in the ____1/4 of Section ___, Township___South,
   3. Range ____West, of the Sixth Principal Meridian, County of Arapahoe, State of Colorado, more particularly described as follows:
   4. The description that follows this introduction may be by one of the following two means.
      a) By metes and bounds, incorporating a complete traverse and the accuracy standards as described in Section 14-305.04 above. The area to the nearest one-hundredth of an acre (.01) more or less shall be included.
      b) By subdivision, block and lot numbers. This method may only be used if the area being subdivided encompasses one contiguous area within one existing subdivision and does not include any existing right-of-way. This method may only be used if the parcel being replatted is a part of a subdivision recorded after July 1, 1975. The area to the nearest one-hundredth of an acre (.01) more or less shall be included.

F. The Point of Beginning of the subdivision or one corner of a replat shall be tied to two (2) or more section or quarter section corners. Two of the corners shall be adjacent. The monument found/set at the section or quarter section corners must be described on the plat.

G. The surveyor shall rehabilitate or upgrade any section or quarter section corner used to control the survey of the subdivision as required by the Rules of Procedure promulgated by the State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors.

H. A Colorado Land Survey Monument Record for each section or quarter section corner the survey of the subdivision is tied to must be prepared and sealed at the time the plat is submitted to the PWD Department. Each Monument Record shall describe both supporting and contradicting evidence, as well as the monument found and accepted, established, restored or rehabilitated, and at least three (3) accessory or reference points.

I. If the latest Monument Records on file meet the County’s criteria, and the reference points are still existing, the surveyor only needs to submit copies of them with the plat.
J. A note indicating the line being referenced and the existing monuments that define the referenced line shall be included on the plat. Assumed bearings shall not be used. One of the following methods of establishing a basis of bearing shall be used:

1. GPS observations on the monuments at each end of the reference line. The observations shall be of sufficient time to ensure an accurate bearing. The methodology and length of the observation session shall be included in the basis of bearing note. The Basis of Bearing statement shall state whether the bearings are grid bearings or based on true north.

2. Reference to the Arapahoe County Horizontal Control Network. If the Point of Beginning of a plat or a corner of a replat is tied to two adjacent section or quarter section corners included in the Arapahoe County Horizontal Control Network, the bearing shown on the network between the two corners may be used as the basis of bearing.

14-305.01 MONUMENTATION

A. The subdivision shall be monumented pursuant to subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) of Section 38-51-105, Colorado Revised Statutes.

B. Where applicable, the monuments set on the boundary of the subdivision shall be 30" long solid steel pins, 1/2" - 3/4" in diameter, set in concrete at least 6" in diameter and 12" in depth.

C. The monuments found or set at each corner, angle point, PC and PT of the exterior boundary of the subdivision shall be described on the plat.

D. The surveyor representing the subdivider shall install 30" long solid steel pins, 1/2" - 3/4" in diameter. These pins shall be firmly anchored in compacted or moist earth and shall be placed so that the top of the pin is approximately 3” below finish grade. Affixed to the top of these pins shall be a metal cap bearing the registration number of the responsible surveyor and a punch point indicating the actual point location. Range points shall be set along the centerline of all public rights of way and on the centerline of private streets located within detached single family residential subdivisions at the following locations:

1. PC’s, PT’s and angle points
2. Intersections and centers of cul-de-sacs
3. Intersection of and with the subdivision boundary
4. The maximum spacing between range points shall be 1400 feet.

E. The accuracy of the range points shall be one (1) in fifteen thousand (15,000). The plat shall indicate where the range points will be installed and describe the monuments to be set.

14-305.02 RANGE POINT BOXES

All range points shall be housed in a range box as shown on standard drawing SP-14 of the County’s Roadway Design and Construction Standards Manual. Range boxes shall be installed after streets have been paved. The top of the range box shall be set approximately 1/4" below finish grade.
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14-305.03 OFFSETS
A. Offsets which are to be set on the extension of any lot, tract or parcel boundary line shall be noted on the plat at the time of recording and shall comply with Section 38-51-105 C.R.S. This note shall specify the standard offset distance and any nonstandard distances.
B. An example of a note is as follows: All offsets are 1" metal disks embedded in concrete sidewalks set on the lot line extended, 5 feet from the platted lot corner along all streets except as follows:
   1. Nonstandard offsets for lot lines between:
   2. Lots 2 and 3, Block 1 is 5.87 feet
   3. Lots 6 and 7, Block 13 is 6.03 feet
   4. If no offset monuments are to be set in conjunction with the plat the following note shall be included on the plat:
      5. Note: No offset monuments are to be set in conjunction with this plat.

14-305.04 BENCHMARKS
A. The surveyor representing the subdivider shall establish permanent benchmarks for the subdivision. One benchmark shall be established for each 20 acres or fraction thereof. The County only accepts benchmarks using NAVD88 datum. Each benchmark must be an easily accessible, permanent metal monument stamped with the following information:
   1. Date it was established
   2. Elevation
   3. PLS number of the surveyor who established it.
B. The following note shall be placed on the plat:
   1. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) misdemeanor pursuant to State Statute 18-4-508, of the Colorado Revised Statute.

14-305.05
A. The plat shall show complete survey and mathematical information, including curve data, and other data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines. Distances and bearings shall be used.
B. The plat shall show complete survey and mathematical information, including curve data, on the centerline of all streets. The centerlines must close one (1) part in fifteen thousand (15,000).

14-305.06
The boundary of the subdivision shall be delineated with a heavy solid line.

14-305.07
The lines of all proposed lots shall be fully dimensioned with distances and bearings. Where a lot line intersects a street line at right angles, the bearing may be omitted. If a lot line intersects a curved street, the bearing on the line shall be shown. If the lot line is not radial to a curved street line, or a curved property line, the lot line shall be labeled N.R. and the radial bearing at the point of intersection shall be shown.
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14-305.08
The location of lots, blocks, tracts and parcels adjoining the subdivision shall be shown. Adjoining lots and blocks shall be labeled and the name of adjoining subdivisions, as dedicated, shall be shown.

14-305.09
The blocks in the subdivision shall be numbered consecutively throughout the subdivision, commencing with Block 1. The lots in each block shall be numbered consecutively commencing with Lot 1.

14-305.10
The names and widths of all public streets shall be shown on the plat. Existing right(s)-of-way shall bear notations of dedication by Book and Page number. Private drives and streets shall be labeled as such.

14-305.11
All easements shall be clearly labeled, identified, dimensions shown and tied to reference points within the subdivision, and be shown by dashed lines. Existing easements shall bear notation of dedication of conveyance by Book and Page number. If any easement of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference shall be placed in the note section. Easements shall be designated and the disposition thereof indicated in the note section, including easements that abut the exterior boundary of the subdivision.

14-305.12
Any area to be excluded from platting shall be marked “Not a Part”.

14-305.13
All plats having lots bordering a collector or larger street/road shall contain a note limiting or prohibiting ingress and egress to that street/road.

14-305.14
The identification and designation of the boundary lines of any 100-year developed floodplain, and the source of the designation shall be shown on the plat.

14-305.15
The appropriate traffic sight triangles shall be designated and dimensions shown on the plat. Sight triangles shall be shown at the intersection of all roadways and at the intersection of all private drives/access points with public roadways.

14-305.16
All rights-of-way being dedicated to Arapahoe County shall be clearly labeled with the following statement: Dedicated to Arapahoe County for right-of-way purposes by this plat.

14-305.17
All tracts shall be lettered starting with “A”. The area, intended use maintenance, and final ownership of all tracts shall be shown on the plat.
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**14-305.18**
An Easement Chart that includes easements dedicated by the Plat shall be shown. The chart shall include the type of easement, its intended use, the Grantee, the entity responsible for surface maintenance, and be formatted as follows:

<table>
<thead>
<tr>
<th>Easement Type</th>
<th>Use</th>
<th>Easement Granted To</th>
<th>Surface Maintenance</th>
</tr>
</thead>
</table>

**14-305.19**
All Standard Notes, Certificates and dedications required by the Arapahoe County staff shall be included on the plat as described in Section 16-100 herein. The County Attorney must approve any modifications to these notes. All notes not meeting these specifications shall be removed.

**14-305.20**
The surveyor shall seal the plat so that the seal does not obscure any information shown on the plat.

**14-305.21**  **CONFLICTING BEARINGS**
Where the exterior boundary lines of the plat shows bearings and distances which vary from those recorded in adjoining plats or surveys, a note shall be placed along those lines, in parenthesis, stating the recorded bearing and distance and the reception number or plat book and page of the adjoining, as shown in the following form: N41°27’29”E (Recorded as N41°10’23”E in Book 98 at Page 98).

**14-306**  **RECORDATION PROCEDURE**

A. Prior to recordation of the Final Plat, the Applicant must submit all required documentation, recordation fees, and a certificate of taxes paid along with the approved Final Plat in accordance with the Board of County Commissioner approval.

B. Prior to the County’s recognition of subdivided land, the approved Final Plat must be recorded in the Office of the Arapahoe County Clerk and Recorder. The recordation of the approved Final Plat and associated documentation shall occur within 90 days of approval by the Board or the approval shall be voidable (See Section 14-307 below). An extension may be granted in writing by the Planning Division Manager.

C. Within 60 days of approval of the Final Plat, unless stated otherwise in such approval, the Applicant shall submit a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) of the approved Final Plat ready for recordation except for the signatures of the Board Chair. In addition, all required documentation and recordation fees are required with the final mylar submittal.

D. The Applicant shall provide proof to the PWD Department that adequate security has been provided to cover the subdivision improvement costs in accordance with the requirements of the Arapahoe County Roadway Design and Construction Standards, or letter of credit as required.
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E. The Applicant shall provide evidence through a current title insurance policy or commitment that the signature of the owner of the mylar is the owner of the property.

F. The Applicant shall provide a warranty deed for off-site County land dedication required as a condition of approval of the Final Plat.

G. Guarantee of public improvements - No Final Plat shall be recorded until the Board of County Commissioners has approved a Subdivision Improvement Agreement as necessary.

H. No Final Plat shall be recorded on subdivided or replatted property unless all delinquent taxes and special assessments thereon have been paid.

I. Within 30 days of receipt of the Final Plat, the staff planner shall obtain the signature of the Board Chair, attested by the Clerk and Recorder and will record the Final Plat.

14-307 EXPIRATION OF APPROVAL

A. Failure by the Applicant to submit all required documentation within 60 days of approval shall render approval of the Final Plat voidable and may result in the necessity for a new submittal of the Final Plat. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the PWD Department.

B. The Planning Division Manager or designee may grant extensions of time up to (12) twelve months, upon a written request by the Applicant or staff for good cause being shown. Good cause may include but not be limited to; signatories are out of state or country, or a major change was requested by the Board of County Commissioners.

C. An extension request shall include a fee and a narrative stating the reasons for the Applicant’s inability to comply with the specified deadlines. List any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or Subdivision Regulations that have occurred since approval of the Final Plat. These changes may affect the Final Plat and the anticipated time schedule for completing the platting process. A Fee Schedule is available from the Planning Division Office. Additional review of the Final Plat may occur, resulting in additional conditions as applicable.

D. The denial of an extension by the Planning Division Manager or designee may be appealed to the Board in writing within ten (10) business days of the decision by the Planning Division Manager.

14-308 ADDRESS PLAT

With the submittal of the final mylars, an address plat is required. The Address Mylar is an exact duplicate of the Final Plat exhibit with the addition of a label that reads “address plat” (the address plat needs to be signed by the owner(s) of the property and the signature(s) need to be notarized) and labels the addresses for each lot or tract in the subdivision. The address plat mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24” x 36” single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The Mapping Section assigns the addresses and street names. The Address
Plat mylar is routed the same as the Final Plat mylar but is not recorded with the Final Plat. When multiple sheets are needed a cover sheet may be required which shows a composite of the subdivision.

SECTION 14-400 REPLAT

14-401 INTENT
The Replat Procedure may be used where: the land has already been subdivided, there is an approved Final Plat for the property, and the replat is consistent with the approved Preliminary Plat and Final Plat.

14-402 DETERMINATION
The Planning Division Manager or designee shall determine whether the replat of all or a portion of a subdivision is to be processed as a full replat or as an Administrative Replat based upon, but not limited to the following factors: design, size, public concern, public facilities, services, access and transportation network.

14-403 PROCESSING
A. When determined by the Planning Division Manager or designee to meet the administrative criteria for a replat, the replat shall be processed in accordance with Administrative Replat regulations, herein.

B. When determined by Planning Division Manager or designee to meet the criteria for a full replat, the replat shall be processed in accordance with Final Plat regulations, herein.

SECTION 14- 500 MINOR SUBDIVISION

14-501 INTENT
A. To provide a streamlined review process for subdivisions of land that are determined to be minor in nature in accordance with Section 30-28-1 01 (1 0) (d) C. R. S.

B. A Minor Subdivision is any subdivision that:
1. Creates no more than 4 parcels;
2. Does not require the extension of municipal/public facilities or the creation of significant public improvements as determined by the PWD Department;
3. Fronts an existing street and does not involve any new streets;
4. Does not adversely affect the remainder of the parcel or adjoining property; and
5. Is not in conflict with any provisions of the Arapahoe County Comprehensive Plan, Zoning Resolution or these regulations.

14-502 PREREQUISITE
Prior to submittal of a Minor Subdivision application, the Applicant shall meet with staff at a Pre-submittal meeting to discuss the procedure and submittal requirements. If it is determined that the Applicant is using the Minor Subdivision process to circumvent the subdivision process, such as the submittal of adjoining multiple minor Subdivisions, the Applicant shall be required to comply with the Preliminary Plat and Final Plat processes. A Minor Subdivision shall not be permitted if the subdivision
creates a nonconforming lot, or in the case of an existing nonconforming lot or parcel, a Minor Subdivision shall not increase the nonconformity. The Minor Subdivision shall include one contiguous parcel of land owned and proposed for Subdivision.

14-503 APPROVAL STANDARDS AND SUBMITTAL PROCESS
The Minor Subdivision Final Plat shall be processed in accordance with the Final Plat regulations. The only exception is that the application will be scheduled with both the Planning Commission and the Board of County Commissioners.

SECTION 14-600 ADMINISTRATIVE REPLAT PROCEDURE

14-601 INTENT
These procedures are to provide an abbreviated process for Replat applications that demonstrate compliance with the criteria contained herein. The Administrative Replat process is intended to be accomplished within a thirty (30) business day period. This time frame may vary depending upon the circumstances of each individual case. A Final Development Plan, Subdivision Development Plan or Administrative Site Plan shall be completed for each site prior to building permits being issued when applicable. The Administrative Replat shall include one contiguous parcel of land within the boundaries of one (1) subdivision. Right-of-way cannot be included within the boundaries of an Administrative Replat. Parcels separated by Right-of-Way cannot be replatted administratively. (Approved by the Board of County Commissioners 10/29/02 Resolution # 020975)

14-602 PREREQUISITE
The criteria for the Planning Division Manager in making the administrative designation shall include, but not be limited to, the following:

A. An overall final Drainage Report and street construction plans have been approved for the Final Plat governing the Administrative Replat proposal and a subdivision improvement agreement is in place to guarantee all required public improvements. (Approved by the Board of County Commissioners 10/29/02 Resolution #020975)

B. No additional right-of-way dedications, public improvements, traffic studies, drainage studies or subdivision improvement agreements are required.

C. The perimeter boundaries of the Administrative Replat coincide with existing lot lines. The perimeter boundary of the existing subdivision is not affected.

14-603 ADMINISTRATIVE PROCESS DETERMINATION
A. The Applicant shall submit all required presubmittal materials, in accordance with PWD Department requirements, to the Planning Division, along with a justification letter that details how the proposed Administrative Replat meets the applicable criteria contained herein.

B. Upon the PWD Department acceptance of the Pre-submittal materials, the Applicant will be scheduled, and must attend a Pre-submittal conference with a Planner and Engineer to discuss the merits of the proposed Administrative Replat. During the Pre-submittal meeting, the Planner and Engineer will make an initial determination as to proposal’s eligibility to be processed administratively.
C. At the next regularly scheduled staff meeting following the Pre-submittal meeting, the proposal will be presented to the Planning Division Manager or designee for final determination as to whether the proposal can be processed administratively. The Applicant will be notified by the case planner of the determination to approve or deny the request for administrative processing as soon as practical.

D. The Planning Division Manager or designee reserves the right to refer any request for an Administrative Replat to the Board of County Commissioners for consideration at a regular meeting of the Board. The Planning Division will notify the Applicant if the Division Manager or designee determines that Board review is desired.

E. If the Planning Division Manager or designee denies a request for Administrative Replat process, the Applicant can appeal the decision to the Board of County Commissioners, within ten (10) business days of the Division Manager’s decision, by filing a letter of appeal with the Planning Division. The Planning Division Manager or designee will notify the Board of County Commissioners upon receipt of the letter of appeal and the matter will be scheduled within (30) thirty days for final Board of County Commissioners determination. The Applicant will be notified by the Planning Division of the date the Board will consider the appeal and is required to provide justification on his/her behalf.

F. Upon a determination that the application can be processed administratively, the Applicant must submit the formal application within sixty (60) days of the Planning Division Manager’s determination that an Administrative Replat is allowed. Failure to submit within the sixty (60) business days of the Planning Division Manager’s determination, in writing, will render the decision voidable.

G. The Planning Division Manager or designee at the Division Manager’s discretion may waive the Pre-submittal conference. If a waiver is granted, the Division Manager will issue a letter of confirmation.

14-604 APPROVAL CRITERIA FOR AN ADMINISTRATIVE REPLAT
The Board of County Commissioners shall consider the following criteria for approval of an Administrative Replat:

A. Whether the Administrative Replat is consistent with the efficient development and preservation of the entire Final Plat;

B. Whether the Administrative Replat will adversely affect reasonable development expectations or the use and enjoyment of adjacent land or the public interest.

C. A lot line vacation when there is no increase in the number of lots in the original plat, i.e., the combination of two (2) or more lots into one (1) lot up to a maximum of four (4) lots.

D. An adjustment of a lot lines for a maximum of four (4) existing lots (e.g., 4 lots into 2 lots), in which the original subdivision is not substantially modified and additional lots are not created.

E. Use of the Administrative Replat Procedures is compatible with the site’s existing Planned Unit Development, when applicable as well as and the County Comprehensive Plan.
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F. Approval is in keeping with the spirit and intent of the subdivision regulations and will not weaken the purposes of those regulations.

G. Approval will not adversely affect public health, safety, and welfare.

H. The subdivision of lots within an approved Final Plat for property located within an approved Master Development Plan. (Approved by the Board of County Commissioners 10/29/02 Resolution #020975)

14-605 FORMAL SUBMITTAL PROCESS

A. Upon receipt of all required information, PWD Department staff shall review the formal submittal within three (3) business days to determine if it is consistent with the standards set forth in these regulations.

B. The case planner will refer the Administrative Replat document and relevant submittal information for a ten (10) day internal review to various County Departments and Divisions, including but not limited to the Board of County Commissioners and the PWD Department. If the application has not adequately addressed all outside referral agencies through submittal letters of approval (see Section 14-606.10), Planning staff will notify those agencies with a ten (10) business day referral period. The planner, at their discretion may extend the review period to twenty-one (21) business days.

C. The Applicant will be notified of any outstanding issues upon completion of this internal review.

D. The Applicant shall submit a final mylar for signature by the Board of County Commissioners following completion of all outstanding issues raised by the referral process and staff’s determination that the Administrative Replat complies with all specified Plat content requirements per Section 14-607 herein.

E. The final mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24” x 36” single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

F. Prior to recordation of the replat, the Applicant must submit all required documentation, recordation fees and a certificate of taxes paid, along with the approved Administrative Replat in accordance with the Board of County Commissioner approval.

G. The Applicant shall provide evidence through a current title insurance policy or commitment (no more than thirty (30) days old from the date the final mylar is submitted) that the signature of the owner on the final mylar is the owner of the property.

H. No plat shall be recorded on the replatting of real property unless all delinquent taxes and special assessments thereon have been paid and unless such property is classified in the appropriate zoning district as defined in the current Zoning Regulations of Arapahoe County.

I. Upon acceptance of the final mylar by the PWD Department, the Administrative Replat will be signed by the Chair of the Board of County Commissioners and attested by the Clerk and Recorder.
J. Within 30 days receipt of the final mylar, the staff planner shall record the Administrative Replat with the Office of the Clerk and Recorder.

14-606 FORMAL SUBMITTAL REQUIREMENTS

A. Land Use Application (Application is available in the Planning Division office)

B. Application fee (Fee Schedule is available in the Planning Division office)

C. A Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

D. Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than ninety (90) days old.

E. A notarized Letter of Authorization from the landowner(s) permitting a representative to process the application with a disclaimer that no other party’s consent is required.

F. An Administrative Replat Exhibit (per Section 14-607 herein). The format for all plats shall be in upper-case sans serif. Font size shall be a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. No plats shall include copyright restrictions.

G. Certificate of taxes paid.

H. One set of traverse closure computations corresponding to the Administrative Replat Exhibit.

I. One set of Monument Records if applicable.

J. Letters from any referral agencies outside the County stating their recommendation regarding the replat and any existing facility they have over or across the land including:
   1. All special districts providing maintenance of infrastructure within or adjacent to the property;
   2. All known easement beneficiaries and/or utility providers; and
   3. All landowners abutting the property.

K. Any easements or roadway vacations associated with an Administrative Replat must be processed separately. (See Section 14-700 for more details).

L. A Submittal Requirements Matrix is available in the Planning Division office listing the complete list of submittal items and the proper number of copies. There may be other submittal requirements based on the PWD Department review.

14-607 PLAT EXHIBIT

The Administrative Replat exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24” x 36” single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

A. The title of the subdivision, as dedicated, shall be located at the top of each sheet. On each sheet, in smaller lettering, the second line of the title block shall read “A REPLAT OF ____” followed by the legal description of the lots and blocks included within the Administrative Replat. On each sheet, the next line of the title block shall indicate the Quarter Section, Section, Township,
Range and 6th Principle Meridian in which the Administrative Replat is located. The name of the County and the State shall be included on the last line of the subtitle.

B. Each sheet of the Administrative Replat shall show the date of the survey, north arrow, sheet number, and the written and graphic scale. The drawing date and any revision dates shall be shown on the cover sheet. On the bottom left hand corner of each page the Case No. XX-XXX shall be added. The minimum scale of the drawing shall be one (1) inch to one hundred (100) feet. Acceptable larger scales are one (1) inch to twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet and sixty (60) feet.

C. Vicinity Map (scale of 1 ″=2000′ preferred) showing the Administrative Replat in relation to section lines and existing or proposed streets within one mile.

D. An accurate and complete Monumented Land Survey pursuant to paragraph thirteen (13) of Section 38-51-102 of the Colorado Revised Statutes, shall be made of the land to be included in the Administrative Replat. A traverse of the boundary when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one (1) part in fifteen thousand (15,000).

E. The Monumented Land Survey shall be an accurate reflection of the legal description. The legal description shall be in the following format:

1. A parcel of land in the __ ¼ Section __, Township __ South, Range ___ West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado, more particularly described as follows:

2. (Include the Lots, Block (if any) and name of the subdivision as dedicated. The area of the subdivision to the nearest one-hundredth of an acre (.01) more or less, shall be included.)

F. If the subdivision of which the replat is a part was recorded prior to July 1, 1975, the legal description must include a metes and bounds legal description.

G. One corner of the replat shall be tied (distance and bearing) to two adjacent section or quarter section corners of the Public Land Survey System. The monuments found/set at the section or quarter section corners must be described on the plat.

H. The surveyor shall rehabilitate or upgrade any section or quarter section corners used to control the survey of the subdivision as required by the Rules of Procedure promulgated by the State Board of Registration for Professional Engineers and Professional Land Surveyors.

I. This section is not applicable is the subdivision of which the replat is a part was tied (distance and bearing) to two adjacent section or quarter section corners of the Public Land Survey System.

J. A note indicating the line being referenced and the existing monuments that define the referenced line shall be included on the Replat.

K. If the subdivision of which the replat is a part uses bearings, the surveyor may use the same Basis of Bearings for the replat.

L. If the original Basis of Bearing is not used, or the original subdivision did not use bearings, the surveyor must establish a Basis of Bearing in accordance with Section 2-300 Final Plat Exhibit.

M. The Administrative Replat shall be monumented pursuant to subsections (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) of Section 38-51-105 of the Colorado Revised Statues.
N. Where applicable, the monuments set by the surveyor on the boundary of the subdivision shall be 30" long solid steel pins, 1/2" - 3/4" in diameter, set in a concrete collar at least 6" in diameter and 12" in depth.

O. Offsets, which are to be set on the extension of any lot line shall be noted on the plat at the time of recording and shall comply with Section 38-51-105 of the Colorado Revised Statutes. This note shall specify the standard offset distance and any nonstandard distances. An example of a note is as follows:
   1. All offset notes are 1" metal disks embedded in concrete sidewalks set on the lot line extended, 5 feet from the platted lot corner along all streets except as follows:
      i. Lots 1 and 2, Block 1 is 5.87 feet
      ii. Lots 3 and 4, Block 1 is 6.03 feet
   2. Nonstandard offsets for lot lines between:
      i. Lots 1 and 2, Block 1 is 5.87 feet
      ii. Lots 3 and 4, Block 1 is 6.03 feet
   3. If no offset monuments are to be set in conjunction with the Administrative Replat the following note shall be included on the plat:
   4. Note: No offset monuments are to be set in conjunction with this Administrative Replat.

P. A Colorado Land Survey Monument Record for each section or quarter section corner that the subdivision is tied to or controlled from must be prepared and sealed at the time the plat is submitted to the Planning Division.

Q. Each Monument Record shall describe both the supporting and contradicting evidenced, as well as the monument found and accepted, established, restored or rehabilitated, and at least three (3) accessory or reference points. If the latest Monument Records on file meet the above described criteria, and the reference points are still existing, the surveyor only needs to submit copies of the latest Monument Records with the plat.

R. The following note shall be placed on the Administrative Replat exhibit:
   1. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) misdemeanor pursuant to State Statute 18-4-508, of the Colorado Revised Statute.

S. The plat shall show complete survey and mathematical information, including curve data, and other data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines. Distances and bearings shall be used.

T. The boundary of the Administrative Replat shall be delineated with a heavy solid line.

U. The lines of all proposed lots shall be fully dimensioned with distances and bearings. Where a lot line intersects a street line at right angles, the bearing may be omitted. If a lot line intersects a curved street, the bearing on the line shall be shown. If the lot line is not radial to a curved street line, or a curved property line the lot line shall be labeled N.R. and the radial bearing at the point of intersection shall be shown.

V. The location of lots, blocks, tracts and parcels adjoining the Administrative Replat shall be shown. Adjoining lots and blocks shall be labeled and the name of adjoining subdivisions, as dedicated, shall be shown.
W. The blocks in the Administrative Replat shall be numbered consecutively throughout the Administrative Replat, commencing with Block 1. The lots in each block shall be numbered consecutively commencing with Lot 1.

X. The names and widths of all public streets shall be shown on the Administrative Replat. Existing right(s)-of-way shall bear notations of dedication by Book and Page number. Private drives and streets shall be labeled as such.

Y. All easements shall be clearly labeled, identified, and dimensions shown and tied to reference points within the subdivision and be shown by dashed lines. Existing easements shall bear notation of dedication of conveyance by Book and Page number. If any easement of record cannot be definitely located, a statement of the existence, the nature thereof and its recorded reference shall be placed in the note section. Easements shall be designated and the disposition thereof indicated in the note section. Easements that abut the exterior boundary of the subdivision shall be shown and clearly labeled.

Z. All plats having lots bordering a collector or larger street/road shall contain a note limiting or prohibiting ingress and egress to that street/road.

AA. The identification and designation of the boundary lines of any 100-year developed floodplain and the source of the designation shall be shown on the plat.

BB. The appropriate traffic sight triangles shall be designated and dimensions shown on the plat. Sight triangles shall be shown at the intersection of all roadways and at the intersection of all private drives/access points with public roadways.

CC. All Standard Notes and Certificates required by the Arapahoe County staff shall be included on the plat as described in Section 16-100 herein. The County Attorney must approve any modifications to these notes. All notes not meeting these specifications shall be removed. The surveyor shall seal the plat so that the seal does not obscure any information shown on the plat.

14-608 EXPIRATION OF APPROVAL

A. Unless extended as provided herein, failure by the Applicant to submit all required documentation within 60 days of approval shall render approval of the Administrative Replat voidable and may result in the necessity for a new submittal of the Administrative Replat. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the PWD Department.

B. The Planning Division Manager or designee may grant extensions of time up to twelve (12) months upon a written request by the Applicant or staff for showing good cause. Good cause may include but not be limited to: signatories are out of state or country or a major change was requested by the Board of County Commissioners.

C. An extension request shall include a fee and a narrative stating the reasons for the Applicant’s inability to comply with the specified deadlines. List any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or Subdivision Regulations that have occurred since approval of the Administrative Replat. These changes may affect the Administrative Replat and the anticipated time schedule for completing the platting process. A Fee Schedule is available from the Planning Division office. Additional review of the Administrative Replat may occur, resulting in additional conditions as applicable.
D. The denial of an extension by the Planning Division Manager or designee may be appealed to the Board in writing within ten (10) business days of the decision by the Planning Division Manager.

14-609 RECORDATION PROCEDURE
The Administrative Replat shall be recorded in accordance with the Final Plat regulations.

14-610 ADDRESS PLAT
With the submittal of the final mylars, an Address Plat is required. The Address Plat mylar is an exact duplicate of the Administrative Replat exhibit with the addition of a label that reads “Address Plat” and labels the addresses for each lot or tract in the subdivision. The Address Plat mylar shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24” x 36” single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The Address Plat mylar is routed the same as the Administrative Replat mylar but is not recorded with the Administrative Replat. The Address Plat needs to be signed by the owners of the property. The signatures need to be notarized.

SECTION 14-700 VACATION OF ROADWAYS, PUBLIC EASEMENTS AND PLATS

14-701 INTENT
To provide a review process for vacation of a roadway; public easement; or recorded plat in order to vacate the County’s interest without harm to the public health, safety and welfare.

14-702 APPROVAL STANDARDS
A vacation shall be in accordance with adopted standards and criteria and may be approved upon the finding that:

A. The vacation is in accordance with any original conditions of approval for a plat, preliminary development plan, final development plan, or other applicable documents;

B. The vacation is in keeping with the spirit and intent of the County Subdivision Regulations;

C. Platted or deeded roadways or portion thereof, or unplatted or undefined roadways which have arisen by public usage do not leave any land adjoining said roadways without an established public road or private access easement connecting said land with another established public road. [43-2-303(2)(a) C.R.S.]

D. If it is a State Highway, the Transportation Commission approves. [43-1-106(11) C.R.S.]

14-703 ROADWAY VACATION – SUBMITTAL DOCUMENTS AND PROCESS
The Board of County Commissioners is authorized to vacate roadways, which include any platted or designated public street, alley, lane, parkway, avenue, road or other public way designated or dedicated on a plat, conveyed by deed, recorded easement, acquired by prescriptive use or other legal instrument whether or not it has ever been used as such, pursuant to Article 2 of Title 43 C.R.S. as amended.
14-703.01 **VESTING OF TITLE**
Vesting of title upon vacation shall be in accordance with Section 43-2-302 C.R.S., as amended.

14-703.02 **SUBMITTAL PROCESS**
A. Prior to submitting a complete application for the right-of-way vacation, a Pre-submit meeting with representatives of the Planning Division and Engineering Division is required, unless waived in writing by the Planning and/or Engineering Division Managers.

B. Following the Pre-submit meeting, the Applicant must complete all of the requirements of the Formal review process as prescribed by the PWD Department. The Planning and/or Engineering Division Managers may waive any portion of the Formal submittal requirements in writing.

C. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is fifteen (15) business days and can be extended by mutual consent of the Applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.

D. Following referral agency review, the PWD Department staff will determine the applications readiness for a hearing with the Board of County Commissioners.

E. When determined ready, the staff planner shall schedule the Vacation with the Board of County Commissioners for final consideration. The Applicant shall be notified of the hearing date and time.

F. The Applicant shall be responsible for public notice prior to the Board of County Commissioner’s hearing in compliance with the public notice requirements in Section 17-100 herein.

G. The Board of County Commissioners shall evaluate the Vacation request, referral agency comments, staff report and public testimony and shall approve, conditionally approve, table for further study, remand to the Planning Commission or deny the vacation request. The Board’s action shall be based on the evidence presented, and compliance with the adopted standards, regulations, policies and other guidelines.

H. Upon approval by the Board of County Commissioners, the Applicant has sixty (60) calendar days to submit the necessary deeds required by the vacation along with the Vacation Exhibit. Within thirty (30) calendar days of receiving, the County staff shall record the Vacation Resolution, Vacation Exhibit and deeds in the Office of the Clerk and Recorder.

14-703.03 **SUBMITTAL DOCUMENTS**
A. Completed Land Use and Vacation Request Application (Applications are available from the Planning Division office)

B.

C. Application fee (Fee Schedule is available from the Planning Division office)
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D. Written Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.

E. A vacation exhibit shall be an original drawing in black ink on 8 1/2” x 14” paper or other size as required by PWD, and shall contain information deemed appropriate by the PWD Department. Include the written legal description signed and sealed by a Professional Land Surveyor registered in the State of Colorado, of the right-of-way to be vacated.

F. ...

G. Vicinity map showing the location of the right-of-way in relation to the lots, or the area surrounding the right-of-way within a 1-mile radius which can be obtained in the Mapping Section.

H. Letters from the following stating their recommendation regarding the vacation and any existing facility they have over, under or across the land:
   1. all special districts providing maintenance of infrastructure within the rights-of-way
   2. all known easement beneficiaries, cable providers, fiber optic companies and/or utility providers; and
   3. all landowners abutting or using an access proposed for vacation.

I. Stamped envelopes addressed to abutting landowners and other landowners using the access proposed for vacation, as specified by staff, for notification of the vacation application. Include a map identifying the area to be vacated and relationship to the abutting landowners.

J. A completed Vacation Petition

14-703.04 RESUBMITTAL
An application shall not be resubmitted within 1 year of the date of denial. However, if the Planning Division Manager or designee determines that the resubmitted vacation, application has been modified to correct the stated objections, then the resubmittal will be accepted.

14-704 VACATION OF PLAT OR PUBLIC EASEMENT—SUBMITTAL DOCUMENTS AND PROCESS

14-704.01 PROCESS
A. Vacation requests shall be referred to applicable County departments, outside agencies, Homeowner’s Associations, and others if deemed appropriate by staff.

B. The Applicant shall submit the required information to the Planning Division office. Once the submittal is determined complete, county staff will review the application and refer it to applicable outside agencies.

C. The referral agencies and departments shall submit comments within fifteen (15) business days. All comments shall be forwarded on to the applicant. Staff shall review the information and prepare a staff report for the Board of County Commissioners and notify the Applicant of the hearing date and time.

D. The Board of County Commissioners shall evaluate the vacation request, referral agency comments, staff report and public testimony, and shall take action to approve, conditionally approve, table for further study, or deny the vacation request. The Board’s
action shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.

14-704.02 SUBMITTAL DOCUMENTS REQUIREMENTS - PLAT OR PUBLIC EASEMENT VACATION

A. Completed Land Use and Vacation Request Application (Applications are available from the Planning Division office)

B. Application fee (Fee Schedule is available from the Planning Division office)

C. Proof of ownership, which includes an updated, or current title insurance policy or title commitment no older than six (6) months.

D. A notarized Letter of Authorization from the landowner permitting a representative to process the application, with a disclaimer that no other party’s consent is required.

E. A plat vacation exhibit which shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24” x 36” single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain information deemed appropriate by the PWD Department. An easement exhibit shall be on 8½” x 14” paper or other size as required by PWD, sealed by a professional land surveyor, containing information deemed appropriate by the PWD Department.

F. A vicinity map that depicts the area surrounding the subdivision within a 1-mile radius or shows the relationship of the easement to be vacated to adjoining lots.

G. If anything less than the entire plat is vacated, include a legal description of the portions being vacated signed and sealed by a Professional Land Surveyor registered in the state of Colorado.

H. Letters from the following stating their recommendation regarding the vacation and any existing facilities they have over, under or across the land from:
   I. all special districts providing maintenance of infrastructure within rights-of-way and or easement;
   J. all landowners abutting or using an access proposed for vacation; and
   K. all known easement beneficiaries which may include utility companies, cable and or fiber optic companies.

L. A matrix listing submittal requirements is available in the Planning Division office. Other submittal requirements may be required based on the PWD Department review.

M. A completed Petition

14-705 RECORDATION PROCEDURE – ALL VACATIONS

A. Prior to recordation of the plat vacation exhibit, the Applicant must submit all required documentation, recordation fees, a certificate of taxes paid along with the vacation exhibit in accordance with the Board of County Commissioners approval.

B. The Applicant shall provide evidence through a current title insurance policy or commitment that the signature of the owner on the final mylar is the owner of the property.
C. Prior to the County’s recognition of the Vacation Exhibit, the approved Vacation Exhibit must be recorded in the Office of the Arapahoe County Clerk and Recorder. The recordation of the approved Plat Vacation and associated documentation shall occur within ninety (90) days of approval by the Board. An extension may be granted in writing by the Planning Division Manager.

D. Within sixty (60) days of approval of the vacation, unless stated otherwise in such approval, the Applicant shall submit a Vacation Exhibit ready for recordation except for the signatures of the Board Chair. An original drawing in black ink is also acceptable. In addition, all required documentation and recordation fees are required with the submittal.

E. The staff planner shall obtain the signatures of the Board and the attest from the Clerk and Recorder and record the Plat Vacation within 30 days of receiving the Plat Vacation.

SECTION 14-800 PLAT CORRECTION

14-801 INTENT
To provide a process to correct errors and/or omissions on a recorded subdivision plat.

14-802 PREREQUISITE PROCESS
A. The surveyor who prepared the subdivision plat or the surveyor’s representative must initiate the plat correction process. The plat correction process can not be used if the surveyor of record either can not change the plat due to death, retirement or relocation or will not correct the errors on the plat.
B. Depending upon the nature of the corrections, there are two processes that may be used to correct a plat: the Affidavit of Correction or the Correction Plat:
C. The Affidavit of Correction is used to correct minor errors and/or omissions on a plat. These would include minor typographical errors and errors in distances, angles or bearings.
D. A Correction Plat is used to correct a recorded subdivision plat when the errors and/or omissions are too numerous or substantial to be corrected by an affidavit of correction.
E. The surveyor is required to meet with the Mapping Section to determine if the plat correction process is applicable, and then determine which plat correction process would be most appropriate.

14-803 AFFIDAVIT OF CORRECTION
14-803.01 PROCESS
A. After determining that the Affidavit of Correction process is appropriate, the surveyor or the surveyor’s representative shall submit a completed Affidavit of Correction bearing the original signature and seal of the surveyor to the Planning Division office.
B. The staff planner will refer the Affidavit of Correction to the Mapping Section, Engineering Division and any other referral agencies that may have an interest in the corrections.
C. The referral agencies shall have fourteen (14) business days to return comments on the Affidavit of Correction to the staff planner. Upon final review by the referral agencies and the PWD Department, the staff planner will have the Affidavit of Correction signed by the Planning Division Manager or the designee. The staff planner will then have fourteen (14) business days to record the Affidavit of Correction in the Office of the Clerk and Recorder.
The staff planner shall also provide a copy of the recorded Affidavit of Correction to the Mapping Section.

**14-803.02 APPROVAL STANDARDS**
An affidavit of correction may be approved upon finding that:

A. The corrections are in accordance with adopted standards and criteria and the original conditions of approval;

B. The corrections are in keeping with the spirit and intent of the subdivision regulations; and

C. The approval will not adversely affect the public health, safety and welfare of the residents and property owner in Arapahoe County.

**14-804 CORRECTION PLAT**

**14-804.01 PROCESS**

A. After determining that the Correction Plat process is appropriate, the surveyor or the surveyor’s representative will submit the Correction Plat to the Planning Division office.

B. Upon receipt of all required information, the Planning and Engineering Division shall review the formal submittal within five (5) business days to determine if it is consistent with the standards set forth in these regulations.

C. The case planner will refer the plat document and relevant submittal information for a fourteen (14) day internal review to various County departments and divisions as determined by the PWD Department.

D. The Applicant will be notified of any outstanding issues upon completion of this internal review.

E. The Applicant shall submit a final mylar for signature by the Board of County Commissioners following completion of all outstanding issues raised by the referral process and staff’s determination that the Administrative Replat complies with all specified plat content requirements per Section 14-804.03 herein.

F. Along with the Correction Plat, the Applicant must submit all required documentation, recordation fees, and a certificate of taxes paid.

G. Upon acceptance of the final mylar by the PWD Department, the Correction Plat will be sign by the Chair of the Board of County Commissioners and attested by the Clerk and Recorder.

H. Within thirty (30) days of receipt of the final mylar, the staff planner shall record the Administrative Replat with the Office of the Clerk and Recorder.

**14-804.02 SUBMITTAL REQUIREMENTS**

A. Completed Land Use Application (Application is available from the Planning office)

B. Application fee (Fee Schedule is available in the Planning Division office)

C. A Letter of Intent that explains, justifies and validates the request, stating all facts relied upon and providing documentation where possible.
D. Proof of ownership which includes an updated or current title insurance policy or title commitment no older than six (6) months.

E. A notarized Letter of Authorization from the landowner(s) permitting a representative to process the application with a disclaimer that no other party’s consent is required.

F. Correction Plat exhibit (per Section 14-804.03, herein). The format for all plats shall be in upper-case sans serif. Font size shall be readable when reduced to 11” x 17” size. No plats shall include copyright restrictions.

G. Certificate of taxes paid.

14-804.03 CORRECTION PLAT EXHIBIT
A. The Correction Plat exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24” x 36” single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

B. The Correction Plat shall encompass the entire area of the original plat and shall be exactly the same as the plat being corrected with the following exceptions:

C. The name of the Correction Plat shall be the same as the name of the subdivision being corrected, as dedicated, followed by the words Correction Plat. The name of the subdivision shall be corrected wherever it appears on the plat.

D. Signature blocks for all owners of property within the boundaries of the subdivision.

E. All Standard and Specific notes applicable to the Correction Plat in their current format. (See Section 16-100 for more details).

F. All corrections identified in the application need to be made.

G. A table listing all corrections on the plat. The table shall show the original information and the corrections being made.

SECTION 14-900 SUBDIVISION EXEMPTION

14-901 INTENT
To establish criteria and a review process whereby the Board of County Commissioners may grant Exemptions from the definition of the terms “subdivision” and “subdivided land” for any division of land if the Board determines that such a division is not within the purpose of Article 28, Title 30 of the Colorado Revised Statutes.

14-902 ELIGIBILITY/APPROVAL CRITERIA
A. The Planning Division Manager or designee shall initially determine whether or not the application meets the intent of the Subdivision Exemption. If the application does not meet the Exemption criteria set forth in these regulations, the application will be required to comply with
the applicable subdivision process as set forth in the Land Development Code. For any such
requested exemption, the County may require from the applicant any public improvements, right-
of-way dedication, dedication of land or cash-in-lieu thereof, as needed to address development
impacts of the exemption proposal in accordance with the applicable requirements of the Land
Development Code.

B. The Board may approve Subdivision Exemptions upon the finding that one or more of the
following criteria apply:

1. Land is being used for public or quasi-public purposes including but not limited to: utility
facility, park, open space, fire station, sheriff substation, library, metro district office,
water/sewage facility, cemetery, and school district facilities.

2. A boundary line adjustment between parcels of thirty-five acres or greater in size and
where no additional parcels are created. An application for exemption that qualifies
under this provision may be approved even though the boundary line adjustment may
reduce the size of one of the parcels to less than 35 acres.

3. Exemptions that create additional parcels shall be permitted for parcels with more than
one principal residence provided that all of the following criteria are met:
   a) Each residence was constructed in conformance with the applicable County
      regulations in effect at the time the residence was constructed;
   b) Each residence shall have a documented history of continuous use as a single-family
      dwelling since May 5, 1972;
   c) Legal and physical access shall be provided to all parcels by public right-of-way or
      recorded easement acceptable to the Arapahoe County Engineering Division.
   d) No more than four parcels shall be created from a thirty-five (35)-acre maximum
      sized parcel.

4. Other divisions of land that were created by a deed recorded in the Office of the
Arapahoe County Clerk and Recorder, without having been first approved for subdivision
in accordance with the applicable Arapahoe County Subdivision Regulations in effect at
the time of the division, may be approved for a subdivision exemption pursuant to this
Section 14-900, et seq., provided that all of the following apply:

   a) The lot or parcel was created before July 31, 2018.
   b) The current owners did not create the lot or parcel and had no involvement in the
      creation of the lot or parcel.
   c) Any residential structure(s) shall be served by a public or private central water
      system or by a permitted well.
   d) Any residential structure(s) shall be served by public sanitation or the applicant
      shall produce a “Use Permit” from the applicable public health authority that
      authorizes the use of the onsite wastewater treatment system.
   e) The lots or parcels are zoned for agricultural or single family residential use.
   f) The exemption creates no new lots or building sites other than those created by the
      original deed that effected the land division.
   g) If it is determined by reason of the nature and scope of the exemption request, that
      the application reasonably should be processed as a subdivision or minor subdivision
      or by evidence that the applicant is improperly attempting to use this exemption
process to circumvent the Subdivision Regulations, the applicant shall not be permitted to process an exemption plat and instead be required to process an appropriate subdivision plat that complies with the applicable provisions of the Subdivision Regulations in order to cure the improper land division.

14-903 ADDITIONAL EXEMPTION CRITERIA
A. No more than four lots or parcels shall be created from a thirty-five (35)-acre maximum sized parcel.

B. Except for an exemption authorized under 14-902(b)(4), the proposed parcel(s) of land shall be in compliance with the current zoning requirements.

C. The proposed exemption shall not be contrary to the adopted Arapahoe County Comprehensive Plan.

14-904 PROCESS
A. Prior to submitting a complete application for the Subdivision Exemption, the applicant shall meet with Arapahoe County staff to determine whether the proposal meets the exemption criteria and to be advised on submittal requirements. If it is determined that the applicant is using the exemption process to circumvent the subdivision process, the applicant shall be required to comply with the applicable subdivision process found within this Resolution.

B. Following the Pre-submittal meeting described in 14-904(A), the Applicant must complete all of the requirements of the review process as prescribed by the PWD Department. The Planning and/or Engineering Division Managers may waive any portion of the formal submittal requirements in writing.

C. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The Applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is up to twenty one (21) days and can be extended by up to thirty (30) additional days by mutual consent of the Applicant and the Planning Division Manager or designee.

D. When all outstanding referral and review issues and comments have been satisfactorily addressed, the application will be scheduled with the Board of County Commissioners.

E. The Subdivision Exemption submittal, along with the recommendations of staff, shall be presented at a public meeting on the consent or general business agenda of the Board of County Commissioners. The Board shall evaluate the Subdivision Exemption, staff recommendations, referral agency comments, public testimony and other information relevant to the plan, and shall either approve, conditionally approve, or deny the Subdivision Exemption. The Board’s action shall be based on compliance with the adopted standards, regulations, policies and other guidelines.

F. If denied by the Board, the Applicant may pursue subdivision in accordance with the appropriate process contained in this Resolution.
14-905 SUBMITTAL REQUIREMENTS

The following items shall be submitted with each Subdivision Exemption Application:

A. Completed Land Use Application
B. Application fee
C. Written Letter of Intent describing the proposed development including background information explaining why the request is being made, important geographic details on and off-site that relate to the proposal, potential sales contracts for parcel(s) being developed and any other pertinent information for clarification.
D. For exemption applications made under Section 14-902(B)(4), a sworn and notarized affidavit from the applicant affirming that they did not create the land division without proper subdivision approval and did not have any involvement in such land division.
E. Certification that all taxes due on the property have been paid.
F. Proof of ownership, which includes a current or updated title insurance policy or other acceptable form of ownership and encumbrance verification, not more than thirty (30) days old.
G. As necessary, property deeds proving the date the property was created in its current configuration.
H. If applicable, a notarized Letter of Authorization from all landowners permitting a representative to process the application with a disclaimer that no other party’s consent is required.
I. Subdivision Exemption exhibits with all supporting documents required by staff (per this Section 14-905 herein). The format for all exhibits shall be in upper-case sans-serif. Font size shall be readable when reduced to an 11x17-inch size. No exhibits shall include copyright restrictions.
J. Evidence of permanent easement or public road access to public rights-of-way for all parcels.
K. Permanent utility easement(s) shall be provided where necessary.
L. Proposed source of water and sewage treatment shall be stated. If the proposed parcel to be created lies within Special District providing water and sewage treatment services, a “will serve” letter from that District must be submitted with the exemption application.
M. The County may require an exhibit with additional information such as zoning, adjacent uses, and other pertinent features of the property, including but not limited to, existing structures, utility lines, natural and artificial drainage-ways, ditches, lakes, vegetative groundcover, rock outcroppings, geologic features and hazards, dams, reservoirs, presence of delineated floodways or floodplains, mines, fence lines, driveways, easements, well sites, septic systems and leach fields.

14-906 PLAN EXHIBIT

A. The Subdivision Exemption exhibit shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

B. The title of the Subdivision Exemption shall be located at the top of each sheet. On each sheet a subtitle, in smaller lettering, shall indicate the quarter (1/4) section(s), section(s), Township and Range in which the Subdivision Exemption is located. The name of the county and the state shall be included in the subtitle.

C. Each sheet of the Subdivision Exemption shall show the date of the survey, north arrow, and the written and graphic scale. The drawing date and any revision dates shall be shown on the cover sheet. The minimum scale of the drawing shall be one (1) inch to one hundred (100) feet. Enough sheets shall be used to accomplish this end.
D. Vicinity Map (scale of 1” = 2000' preferred) showing the Subdivision Exemption in relation to section lines and existing or proposed streets within one mile.

E. The Surveyor’s Certificate of Survey. The acceptable format is located in Section 16-100, herein.

F. The Board of County Commissioners Approval Block. The acceptable format is located in Section 16-100, herein.

G. An accurate and complete Monumented Land Survey pursuant to paragraph thirteen (13) of Section 38-51-102 of the Colorado Revised Statues, shall be made of the land to be included in the Subdivision Exemption. A traverse of boundaries when computed from field measurements on the ground must have a minimum unadjusted ratio of closure of one (1) part in fifteen thousand (15,000).

H. Legal Description of the land included in the Subdivision Exemption.
   1. The Monumented Land Survey shall be an accurate reflection of the legal description.
      a) The legal description shall be in the following format:
         
         A parcel of land in the ___ 1/4 of Section, Township ___ South, Range ___ 
         West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado 
         more particularly described as follows:

         b) The legal description shall be by metes and bounds, incorporating a complete 
            traverse and the accuracy standards as described in 14-905.07 above. The 
            area to the nearest one hundredth of an acre (.01) more or less shall be 
            included.

      2. A legal description of any parcel within the Subdivision Exemption shall be 
         prepared in the manner described above.

I. The Point of Beginning of the Subdivision Exemption shall be tied (distance and bearing) 
   to two adjacent section or quarter section corners of the Public Land Survey System. The 
   monument found/set at the section or quarter section corners must be described on the 
   Exhibit.

J. The surveyor shall rehabilitate or upgrade any section or quarter section corner used to 
   control the survey of the Subdivision Exemption as required by the Rules of Procedure 
   promulgated by the State Board of Registration for Professional Engineers and 
   Professional Land Surveyors.

K. A Basis of Bearing statement in a format acceptable to the State Board of Registration for 
   Professional Engineers and Professional Land Surveyors shall be included on the Exhibit. 
   The line being referenced shall be shown on the exhibit and the survey of the Subdivision 
   Exemption shall be tied to the line being used for the Basis of Bearing.

L. A Colorado Land Survey Monument Record for each section or quarter section corner 
   used to control the survey of the Subdivision Exemption shall be prepared at the time the 
   Subdivision Exemption is submitted to the County. Each Monument Record shall
describe both supporting and contradicting evidence, as well as the monument found and accepted, established, restored or rehabilitated, and at least three (3) accessory or reference points.

1. If the latest Monument Record on file describes the existing monument, meets the above described criteria, and the reference points are still existing, the surveyor only needs to submit a copy of the existing Monument Record with the Subdivision Exemption.

M. The Exhibit shall show complete survey and mathematical information, including curve data, and other data necessary to locate all monuments and locate and retrace any interior parcel lines. Distance and bearings shall be used.

N. The boundary of the Subdivision Exemption shall be delineated with a heavy solid line.

O. The Exhibit shall include all appropriate notes and signature blocks described in Section 16-100 herein.

P. Ownership and recording information of all adjacent parcels shall be shown.

14-907 POST APPROVAL ACTIONS

Prior to the County’s recognition of parcel(s) created through an Exemption, the approved Exemption Exhibit shall be recorded in the Office of the Arapahoe County Clerk and Recorder. The recordation of the approved Exemption and associated documentation shall occur within ninety (90) days of approval by the Board. Within thirty (30) days of receipt of all required documentation described below, the staff planner shall obtain the signatures of the Board Chair, attested by the Clerk and Recorder and record the documents. Prior to recording of the Subdivision Exemption, the Applicant shall submit the following items:

A. The Applicant must submit all required documentation, recordation fees, a certificate of taxes paid along with the amended Exemption exhibit in accordance with the Board of County Commissioner’s approval.

B. The Applicant shall provide evidence through a current title insurance policy or commitment that the signature of the owner on the final mylar is the owner of the property.

C. When necessary to clarify ownership or to accurately transfer property, the Applicant shall prepare deeds that accurately describe the land approved by the Exemption and all necessary easements. The deeds shall be recorded concurrently with the Exemption Exhibit and shall also include the following:
   a) A statement on the deed, immediately following the legal description, that states:
      “This deed is given to implement a Subdivision Exemption from Article 28 of Title 30 of the Colorado Revised Statutes (SB35), File (#), on (date) by the Board of County Commissioners.”

D. Within 60 days of approval of the Exemption, unless stated otherwise in such approval, the Applicant shall submit a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) of the approved Exemption plat ready for recordation except
for the signatures of the Board Chair or designee. An original drawing in black ink is also acceptable.

E. Maintenance agreements as may be deemed necessary by the Board for the proposed use of common facilities and continued maintenance of roads, driveways, water sources, waste disposal facilities and their associated easements shall be recorded with the deed referencing the project number and the date of approval. The PWD Department shall record such documents in the Office of the Clerk and Recorder.

F. For good cause shown, the Planning Division Manager or designee may grant a time extension to the deadlines stated in this Section 14-907 for up to one (1) year, upon a written request by the Applicant. If required documents are not provided before the expiration of the time extension, the exemption approval shall lapse and the exemption case shall be closed.

G. If the Exemption request is denied by the Board, the Applicant may proceed with the subdivision request in compliance with this Resolution. An Exemption request for the same or substantially the same request, as determined by the Planning Division Manager, shall not be accepted within one (1) year of such denial.

**14-908 ADDRESS PLAT NOT REQUIRED**

Arapahoe County will assign addresses within subdivision exemptions if they have not been assigned already.
Section 14-1000  RURAL CLUSTER OPTIONS

Figure (Right): Hypothetical 320 Acre Parcel in A-E Zoning District with a stream and ridgeline

Figure (Left): The Rural Cluster Option allows the applicant to locate 20 lots on the site and to conserve 70% of the parcel as open lands. Natural and man-made features, such as the stream corridor and ridgeline, are undisturbed.

Figure (Right): Without the Rural Cluster Option, applicant would be eligible for nine (9) 35-acre parcels on this 320 Acre Parcel.
Chapter 14: Subdivision Regulations

14-1000 PURPOSE AND INTENT
A. The rural cluster option implements the Comprehensive Plan and allows residential development in agricultural zone districts within the Rural Area to be sited creatively to maintain the rural open character and agricultural viability of Arapahoe County’s Rural lands. This option permits single-family residential development on parcels of 70 acres or more to be clustered on lots smaller than otherwise permitted by the Arapahoe County Land Development Code. The option requires a portion of the property be set aside as an open “conservation area,” with a limited range of allowed uses and activities. The rural cluster option provides incentives for landowners to choose cluster developments as an alternative to large-lot conventional subdivisions and dispersed development on 35-acre and larger parcels. The County does not intend to allow rural cluster developments solely as a tool for gaining greater densities in the Rural Area; instead, the County intends any additional density allowed under this option as quid pro quo for the permanent conservation of valuable natural, cultural and agricultural resources and lands.

B. More specifically, the purpose and intent of the rural cluster option is to:
1. Implement the Rural Area policies of the Arapahoe County Comprehensive Plan;
2. Protect the open character of eastern Arapahoe County’s agricultural districts;
3. Encourage continued use of these lands for ranching and agricultural activities, especially prime farm lands;
4. Conserve Sensitive Development Areas, such as rivers, streams, floodplains, riparian areas, wetlands, view sheds ecological resources, steep slopes and ridgelines, historic and archaeological sites, and wildlife habitat and corridors;
5. Allow a diversity of lot sizes to accommodate a variety of residential preferences;
6. Minimize extension of roads and utilities for development and reduce the County’s cost of providing services; and
7. Promote compatibility of new cluster development with existing and allowed adjacent land uses.

14-1001 GENERAL REQUIREMENTS
14-1001.01 APPLICABLE DISTRICTS
Property shall be located within one of the following areas to be eligible for the rural cluster option:

14-1001.01.01 A-E (Agricultural) Zoning district, west of Deer Trail
Eligible property shall be located in the Rural Area and zoned “A-E”, provided the property is located west of the Town of Deer Trail and west of Price Road; as shown in Figure 1 below.

14-1001.01.02 A-1 (Agricultural) Zoning district
Eligible property shall be located in the Rural Area and zoned “A-1”, as shown in Figure 1 below.
14-1001.02 MINIMUM LAND AREA—70 ACRES
The application for the rural cluster option must involve a single parcel of eligible land under common ownership and at least 70 acres in total area or, alternately, two or more contiguous parcels of eligible land under different ownerships and with an aggregate size of at least 70 acres.

14-1001.03 ALLOWED USES – GENERAL
The proposed uses of the subject parcel under this rural cluster option shall be limited to single-family detached residences, agricultural uses and activities, passive open space or recreation, as further described in Section 7-300, “Rural Cluster Option,” of the Zoning Regulations.

14-1001.04 PAVED COUNTY ROAD ACCESS REQUIRED
All applications for the Rural Cluster option must have primary access from a paved County road across the full frontage of the proposed subdivision. The County road must be paved to the County construction standards.

14-1002 REVIEW PROCEDURES AND ADMINISTRATION
A proposal for development under the rural cluster option shall be processed as a subdivision of land, subject to an expedited “Cluster Subdivision Process,” as described in this Section 14-1000. An applicant shall submit a final Cluster Subdivision Plat that meets the general submittal requirements for a final plat according to Section 14-304 of these Subdivision Regulations, and a separate “Site Analysis Map” as required in this Section 14-1002. County approval of a final plat for a cluster subdivision is required prior to any land disturbing activity, including clearing and grading, on the proposed cluster development site.

14-1002.01 CLUSTER SUBDIVISION REVIEW PROCESS
A. The cluster subdivision process provides an abbreviated and expedited review process for rural cluster developments that comply with Section 13-1100 (Rural Cluster Option) of the Zoning Regulations and with Section 15-100 of these Subdivision Regulations.

B. The steps in the review of a cluster subdivision application shall be:
   1. Pre-Submittal Meeting. Prior to submittal of a cluster subdivision application, the applicant shall meet with representatives of the Planning and Engineering Divisions at a pre-submittal meeting to discuss the procedure and submittal requirements. Of particular
importance should be discussion of preparation of the site analysis map and scheduling of staff’s site visit.

2. **Review of Preliminary Site Analysis Map.** After the pre-submittal meeting, but before the applicant’s formal submittal of the cluster subdivision application, the applicant shall prepare and submit a preliminary site analysis map that analyzes existing conditions both on the proposed cluster development site and on all lands within 1,500 feet of the subject site’s boundaries.

Figure 2: **Preliminary Site Analysis Map** - Identifies site conditions on the site and on lands within 1,500 feet of the subject site. The site analysis identifies natural and man-made features.

a) The preliminary site analysis map shall comply with the following preparation requirements:

i. The format for the preliminary site analysis map shall comply with the minimum format for preliminary plats stated in Section 2-204.06 of these Regulations.

ii. Map scale shall be not less than 1 inch = 200 feet, or if the site contains slopes exceeding 10% and the applicant is proposing an onsite wastewater system, the scale shall be not less than 1 inch = 100 feet.

iii. Map shall show the relationship of the subject property to natural and man-made features located within 1,500 feet of the subject site’s boundaries.

iv. The natural and man-made features to be shown include:

   a) Public roads.
   b) Trails.
   c) Utility easements and rights-of-way, as filed with the County Clerk and Recorder’s office.
   d) Topography (from USGS maps), including steep slopes, as defined in these regulations.
   e) Land areas that qualify as “Sensitive Development Areas,” as
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defined in these regulations.

f) Former waste disposal sites.
g) Public lands.
h) Land protected under existing conservation easements.
i) Man-made features, including but not limited to driveways, farm roads, buildings, foundations, walls and fences, wells, drainage fields, dumps, and utilities.

3. Staff Site Visit. After the applicant submits a preliminary site analysis map, and before the applicant formally submits the application, County staff shall schedule a site visit to the property and invite the applicant to participate. Before the site visit, the applicant shall provide staff with written permission to allow staff to enter the property. The purpose of this site visit is to:

   a) Familiarize staff with the property’s existing conditions and special features;
   b) Identify potential site development issues; and
   c) Provide an opportunity to discuss rural cluster design concepts, including the general location and layout of the conservation area, the potential locations for proposed lots and building envelopes within lots (as applicable), and the potential locations for utilities, roads, and other development features.

Comments made by officials or staff during the site visit are not binding in any way, and shall be interpreted as suggestions only. No official decisions shall be made during the site visit.

4. Formal Submittal of Cluster Subdivision Application. The applicant shall submit a complete cluster subdivision application that complies with the submittal requirements stated in Section 14-1002.02. The County shall not accept incomplete applications.

   a) The applicant may be required to submit additional materials, provided the Planning Division Manager informs the applicant of the additional material at either the pre-submittal meeting or within five (5) days of the site visit, and based on the Planning Division Manager’s determination that the additional material is necessary and relevant to the County’s review.

   b) The Planning Division Manager may waive or vary certain submittal requirements in order to tailor the requirements to the information necessary to review a particular application. An applicant shall request a waiver or variation prior to submitting an application, and should discuss the request with staff at the pre-submittal meeting if possible. The Planning Division Manager may waive or vary such submittal requirements where the Manager finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed cluster subdivision support such waiver/variation.

5. Referral to Appropriate Agencies. As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is thirty (30) days, and may be extended by up to 30 additional days by mutual consent of the applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate approval by that agency.


   a) Recommendation at Public Hearing. Following referral agency review, staff will determine the application’s readiness for a public hearing with the Planning Commission. When determined ready, the cluster subdivision application, along
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with the available comments of the Planning and Engineering staff and appropriate agencies, shall be presented at a public hearing of the Planning Commission. Priority review shall be granted the cluster subdivision application according to Section 14-1002.01.04. At least fourteen (14) days prior to the date of the Commission hearing, the applicant shall provide posted sign notice and give mail notice to all adjacent property owners of the Commission meeting time and place, in accord with the County’s notice requirements in Part 3 of this Code. In addition, the County shall give notice of the time and place of the hearing in at least one publication of a newspaper of local circulation in the vicinity of the proposed subdivision (e.g., in the I-70 Scout).

b) Planning Commission Action. The Planning Commission shall take action on the application by recommending approval, approval with conditions, or denial. The Planning Commission may utilize standard conditions of approval and standard motions for approval, which incorporate other requirement conditions, limitations, or restrictions. The Planning Commission’s decision shall be based upon the evidence presented, the record relating to the application, and applying the standards set forth in this section. The Planning Commission may continue the hearing to allow additional/supplemental information to be submitted and considered.

7. Board of County Commissioners Final Action.

a) Final Action at Public Hearing. Following the recommendation by the Planning Commission, staff shall schedule the cluster subdivision application on the Consent Agenda or the General Business Agenda of the Board of County Commissioners for final action at a public meeting. Priority review shall be granted the cluster subdivision application according to Section 14-1002.01.04. Staff shall notify the applicant of the public meeting date and time.

b) Option for Consideration at Public Hearing. The case will be scheduled for ratification by the Board of County Commissioners, unless prior to ratification, the Board member representing the district in which the cluster subdivision will be located decides that the application shall be considered at a public hearing. If the application is rescheduled for a Board of County Commissioners public hearing, the hearing shall be de novo, and the Board’s action shall be based upon the record developed at the Board hearing. Staff shall notify the applicant of the County’s decision to schedule the application as a public hearing, and the applicant shall be responsible for complying with the County’s notice requirements for the hearing.

c) Board Action. The Board shall evaluate the cluster subdivision application, staff recommendations, referral agency comments, Planning Commission recommendations, public testimony (as applicable), and other information relevant to the proposed cluster subdivision, and shall approve, approve with conditions, or deny the application. The Board’s action shall be based on compliance with the adopted standards and review criteria for rural cluster subdivisions, and other applicable regulations, policies, and guidelines.

d) Effect of Board Denial. If denied by the Board, the submittal of a new application and processing fee shall be required in order to pursue the proposed cluster subdivision. The re-submittal of a cluster subdivision application for the same or substantially the same request, as determined by the Planning Division Manager or designee, shall not be accepted within one (1) year of such denial.
The applicant may appeal the decision of the Division Manager, or designee, in writing, to the Board within 10 days from the date of the decision.

8. **Review Criteria**

The Board may approve a cluster subdivision application upon findings that the proposed Cluster Subdivision Plat and Final Site Analysis Map, including any bonus densities requested, further the purpose and intent of the Rural Cluster Option, and comply with: (1) the standards in Section 13-1100 (Rural Cluster Option) of the Zoning Regulations; (2) the standards of this Section 14-1000; and (3) the standards for approval of final plats stated in Sections 14-302 of these Subdivision Regulations, except where the Board expressly permits exceptions and variances to such standards.

a) The Board retains the discretion to deny a rural cluster application if it finds that the subject property uniformly exhibits such extraordinary natural and environmental value, as evidenced by the property’s composite ranking on the Arapahoe County Resource Composite Map, that the Board determines the densities permitted by the Rural Cluster Option would result in unmitigated, adverse impacts on the natural environment.

b) The Board also retains the discretion to approve the proposed Rural Cluster Subdivision conditioned on the applicant agreeing to a reduced residential density if the Board finds that such condition would mitigate potential adverse impacts related to the requested density.

9. **Limitations Prior to Approval or Recording of Cluster Subdivision Plat.**

a) **Guarantee of Public Improvements.** No Cluster Subdivision Plat shall be recorded until the applicant has submitted, and the County has approved, one or a combination of Subdivision Improvement Agreements, as applicable.

b) **Payment of Past Assessed Taxes and Fees.** The Board shall not approve a Cluster Subdivision Plat unless all delinquent taxes and special assessments related to the subject property have been paid, and unless such property is classified in the appropriate zoning district as defined in the current Zoning Regulations.

c) **Address Plat Required.** No Cluster Subdivision Plat shall be recorded until the applicant has submitted an Address Plat final mylar in accordance with Section 14-308 of the Subdivision Regulations. The Address Plat shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24” x 36” single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

10. **Recordation Procedure.**

a) **All approved Cluster Subdivision Plats must be recorded.** The applicant shall follow the procedures and prerequisites for recordation of Final Plats stated in Section 14-306 of these Subdivision Regulations.

b) The applicant shall follow the procedures and prerequisites for recordation of conditions, covenants, and restrictions (C.C.&R’s), the Final Site Analysis map(s), and the Plan for Management of the Conservation Areas, conservation area(s) deeds and easements concurrent with, and after, the Cluster Subdivision Plat.

11. **Expiration of Approval.**
a) Failure by the applicant to submit all required documentation within 60 days of approval shall render approval of the Cluster Subdivision Plat voidable and may result in the necessity for a new submittal of the cluster subdivision application and plat. Resubmittals are subject to all processing fees, submittal requirements, and review standards in effect at the time the resubmittal is accepted by the county.

b) The Planning Division Manager, or designee, may grant extensions of time up to twelve (12) months upon a written request by the applicant or staff for good cause being shown. Good cause may include, but is not limited to, signatories are out of the state or country, or a major change was requested by the Board of County Commissioners.

c) An extension of time request shall include a fee and narrative stating the reasons for the applicant’s inability to comply with the specified deadlines. The applicant shall list any changes in the character of the neighborhood, and any changes in the County’s Comprehensive Plan, Zoning Resolution, or Subdivision Regulations that have occurred since approval of the final Cluster Subdivision Plat. These changes may affect the Cluster Subdivision Plat and the anticipated time schedule for completing the cluster subdivision process. A fee schedule is available from the Planning Division office. Additional review of the Cluster Subdivision Plat may occur, resulting in additional conditions as applicable.

d) The denial of an extension by the Planning Division Manager, or designee, may be appealed to the Board within ten (10) business days of the decision by the Planning Division Manager, or designee.

C. PRIORITY REVIEW
The County shall give complete and conforming cluster subdivision applications submitted pursuant to this Section 14-1002 priority over other land development applications submitted pursuant to the Zoning or Subdivision Regulations that are being reviewed by staff/referral agencies, the Planning Commission, or the Board. At each step or phase of review, each cluster subdivision application shall be placed on the first scheduled Commission or Board agenda for which it can be properly noticed, as applicable. On each such agenda, the cluster subdivision application shall be placed for consideration before all other land development applications.

14-1002.02 SUBMITTAL REQUIREMENTS
14-1002.02.01 GENERAL SUBMITTAL REQUIREMENTS
The applicant shall submit a cluster subdivision application and accompanying Cluster Subdivision Plat that meet the general submittal requirements and plat exhibits for a Final Plat required by Sections 14-304 and 14-305 of these Subdivision Regulations, and that also satisfies the supplemental requirements stated in this subsection. In addition, the applicant shall submit a separate document entitled “Final Site Analysis Map” which meets the submittal requirements stated in this subsection.

14-1002.02.02 CLUSTER SUBDIVISION PLAT—ADDITIONAL SUBMITTAL REQUIREMENTS
Taking into account the constraints and opportunities identified in the preliminary site analysis map and during the site visit, the applicant shall identify tracts containing the conservation area(s) and lot lines on the Cluster Subdivision Plat according to Section 14-1003, “Residential Cluster Development and Conservation Area Requirements.” In addition to the general submittal
requirements for a Final Plat (Sections 14-304 and 14-305), the Cluster Subdivision Plat submittal shall include the following additional elements and exhibits:

A. The boundaries of proposed residential cluster(s) and individual lot lines within each residential cluster.

B. The boundaries of all Sensitive Development Areas as shown on the Arapahoe County Resource Composite Map, or as identified by the applicant on the preliminary site analysis map and confirmed through subsequent investigation;

C. Septic field boundaries, as applicable;

D. Reference to the Final Site Analysis Map;

E. Notes regarding ownership and future maintenance of the tracts containing the conservation area(s), and appropriate references (e.g., reception numbers) indicating the existence of site-specific conditions, covenants, or restrictions that may apply within or adjacent to the conservation area tract(s) concerning:

F. Roads and driveways,

G. Detention and water quality ponds, and

H. Landscaping/buffers.

I. Reference to an approved Management Plan, if applicable.

14-1002.02.03 FINAL SITE ANALYSIS MAP SUBMITTAL REQUIREMENTS

A. Taking into account the constraints and opportunities identified in the preliminary site analysis map and during the site visit, the applicant shall identify tracts containing the conservation area(s), lot lines, and building envelopes (as applicable) on the Final Site Analysis Map according to Section 14-1003, “Residential Cluster Development and Conservation Area Requirements.” In addition, the Final Site Analysis Map shall include the following elements and exhibits, which the applicant shall show on the map using scales and format consistent with the scales and format used on the Cluster Subdivision Plat: The Final Site Analysis Map, however, is a separate document from the Cluster Subdivision Plat and is required to be recorded.

B. Concurrent with the C.C.& R’s and the Management Plan.

1. All Sensitive Development Areas, man-made features, and any former waste disposal sites identified on the preliminary site analysis map and confirmed through subsequent investigation and the site visit;

2. The proposed tract or tracts containing the required conservation area(s);

3. The boundaries of the proposed residential cluster(s); and

4. Lot lines within each residential cluster and building envelopes within each residential cluster lot. Building envelopes shall be shown only if the cluster lot includes or is adjacent to a septic field or to a Sensitive Development Area (as defined by this Code)
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C. If an onsite wastewater system will not be included inside the building envelope for the lot served, the applicant shall also show the separate envelope for the system’s location.

D. Notes regarding site specific standards that may apply within or adjacent to the conservation area tract(s) concerning:
   1. Roads;
   2. Detention and water quality ponds;
   3. Landscaping/buffers;
   4. Fences, or
   5. Structures, and
   6. Reference to an approved Management Plan, if applicable, which may be attached to and become part of the Final Site Analysis Map.

14-1002.03 AMENDMENTS TO APPROVED CLUSTER PLAT AND MAP
The County shall process all minor modifications to an approved Cluster Subdivision Plat or to an approved Final Site Analysis Map according to the “Administrative Amendment” criteria and procedures stated in Section 13-500 of the Zoning Regulations. A modification that does not qualify as an “Administrative Amendment” under Section 13-500 must be processed according to the cluster subdivision approval process stated in this Section 14-1002.

14-1003 RESIDENTIAL CLUSTER DEVELOPMENT AND CONSERVATION AREA REQUIREMENTS

14-1003.01 COMPONENTS OF A CLUSTER SUBDIVISION
A cluster subdivision has two components: (1) the residential cluster and (2) the conservation area. The residential cluster is the portion of the development parcel that is subdivided into lots for single-family residential and accessory uses. The conservation area is the larger portion of the development parcel that is platted as a tract(s) and permanently preserved for agricultural or open space uses.
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14-1003.02 SUMMARY OF GENERAL DEVELOPMENT STANDARDS
Table 14-1003-A presents a summary of the general requirements under the rural cluster option. The applicant shall refer to Section 13-1100, “Rural Cluster Option,” of the Zoning Regulations for all applicable standards related to permitted density, allowed uses, lot size and dimensions, and building height.

Table 14-1003-A: Summary of General Requirements for the Rural Cluster Option

<table>
<thead>
<tr>
<th>Agricultural Zoning District</th>
<th>Minimum Land Area</th>
<th>Maximum Gross Density Under Rural Cluster Option</th>
<th>Number of Lots per Cluster</th>
<th>Lot Size</th>
<th>Minimum Conservation Area (% of Total Gross Land Area of Development Parcel)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-E</td>
<td>70 acres</td>
<td>2.25 dwelling units per 35 acres (125% increase)</td>
<td>Maximum: 20 lots.</td>
<td>Minimum: 2.5 acres Maximum: 10 acres, except for conservancy lots</td>
<td>70%</td>
</tr>
<tr>
<td>A-1</td>
<td>70 acres</td>
<td>1.75 dwelling units per 19 acres (75% increase)</td>
<td>Maximum: 20-70 lots.</td>
<td>Minimum: 2.5 acres Maximum: 10 acres, except for conservancy lots</td>
<td>60-70%</td>
</tr>
</tbody>
</table>

14-1003.03 STANDARDS FOR RESIDENTIAL CLUSTERS
14-1003.03.01 MAXIMUM DENSITY & BONUS DENSITY PROVISIONS
The maximum permitted densities, and density bonus provisions, for rural cluster subdivisions in the A-E and A-1 Zone Districts are stated in Section 7-200, “Rural Cluster Option,” of the Zoning Regulations.

14-1003.03.02 LOCATION & SIZE OF RESIDENTIAL CLUSTERS
Residential lots within a cluster subdivision shall be located in one or more residential clusters, which shall comply with the following standards.

A. General Site Design Standard. In general, the layout of residential clusters shall promote the rural character of the zone district, avoid the creation of new rural towns or villages, support the viability of existing agricultural activities on or adjacent to the site, and protect significant natural, historic, or cultural resources on or adjacent to the site, as applicable.

B. Siting Criteria for Residential Cluster(s). The applicant shall site the residential cluster(s) according to the following criteria. The cluster(s) shall be sited to:
   1. Avoid Sensitive Development Areas, and other significant natural or man-made features, as described in Section 14-1003.02.03, “Delineation of Conservation Areas,” below;
   2. Preserve the open sky backdrop above any ridgelines, as viewed from Interstate 70 or from adjacent county roads;
   3. To the maximum extent feasible, preserve significant views of the rural, open character of the district, as viewed from Interstate 70 or from adjacent county roads;
   4. Avoid interference with existing or viable agricultural operations and activities;
   5. Provide a minimum separation from existing rural development (1 unit per 35 acres or less density) on adjacent properties by maintaining a minimum 100-foot setback from the adjacent rural property’s boundaries; and
6. Provide contiguity of open space and conservation area(s).

C. Siting of Multiple Residential Clusters.

1. Minimum Separation Required.
   a) To avoid the creation of rural towns or villages and to maintain the open, rural character of the zone district, multiple residential clusters shall be non-contiguous except as the County may allow according to this subsection.
   b) If the total land area within the cluster subdivision is more than 320 acres, a residential cluster shall be separated from all other residential clusters by at least 1,320 feet.
   c) If the total land area within the cluster subdivision is 320 acres or less, a residential cluster shall be separated from all other residential clusters by at least 600 feet.
   d) Separation of multiple residential clusters is required regardless whether the clusters are located within the same cluster subdivision or in a different cluster subdivision.
   e) For purposes of this subsection, separation between residential clusters shall be measured as the shortest linear distance between the two closest building envelopes designated for principal residential dwellings located in the different residential clusters, or if building envelopes are not shown on the Final Site Analysis Map, then the shortest distance between the two closest points of the boundary for each cluster.

2. Exception to Minimum Separation Requirement. The Planning Manager may reduce the minimum separation requirement in this subsection (C) if he or she finds that the smaller separation satisfies the general and specific site design standard and criteria in subsections (A) and (B) above, and that either:
   a) The overall site design takes advantage of the site’s natural topography to hide multiple residential clusters from each other’s view and from the public’s view as seen from Interstate 70 or from county roads; or
   b) The smaller separation is necessary to accommodate conservation of Sensitive Development Areas, such as riparian corridors; or
   c) The smaller separation is necessary and desirable to better preserve the contiguity of on-site and off-site conservation areas; or
   d) The smaller separation is necessary and desirable to enable ongoing operations of agricultural activities in the vicinity of the clusters.

In no case shall the separation between clusters be less than 200 feet.

D. Number of Cluster Lots per Residential Cluster. Within a cluster subdivision, lots are typically organized into one or more clusters or groupings of lots. For example, the hypothetical cluster subdivision illustrated in Figure 3, above, depicts two separate clusters of lots. The following standards govern how large a single cluster may be, keeping in mind the county’s general goals to maintain a rural, open character and avoid the de facto creation of new rural towns.

E. General Rule. Within a cluster subdivision, the maximum number of lots allowed in a single residential cluster shall be 20 lots, except as specifically allowed in the A-1 Zone District in subsection (2) below.
F. **Allowance for Larger Clusters in the A-1 Zone District.** Where the applicant can evidence all of the following conditions, the County may approve an increase in the size of a single residential cluster in the A-1 Zone District only, as shown in Table 14-1003-B below.

1. The property is located entirely within an A-1 zone district;
2. The property is located within the distance specified in Table 14-1003-B from either the Urban Service Area boundary shown in the Comprehensive Plan, or from a mapped Urban Growth Boundary adopted for the Towns of Bennett, Strasburg, Byers, or Watkins. This distance shall be measured as the shortest horizontal distance (plan view) between any part of the project site’s boundary to the closest boundary line of the Urban Services Area or Urban Growth Boundary;
3. The applicant will install a community water or sewer system to serve all or a portion of the cluster subdivision, and the increase in cluster size is necessary to support the economic feasibility of such installation; and
4. The County finds that the cluster subdivision meets the general site design and siting criteria stated in subsections (A) and (B) above.

<table>
<thead>
<tr>
<th>Maximum Distance from Urban Service Area Boundary or Urban Growth Boundary</th>
<th>Maximum Number of Lots per Single Cluster</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 miles</td>
<td>70</td>
</tr>
<tr>
<td>5 miles</td>
<td>50</td>
</tr>
<tr>
<td>10 miles</td>
<td>30</td>
</tr>
</tbody>
</table>

G. **Cluster Lot Size/Lot Dimensions/Building Height.** The minimum lot area and building height requirements set forth in Sections 4-107 and 4-208 of the Zoning Regulations for the A-E and A-1 districts, respectively, shall not apply to lots within a residential cluster. Please refer to Section 13-1100, “Rural Cluster Option,” in the Zoning Regulations for applicable cluster lot sizes, lot dimension, and building height requirements.
14-1003.03.03 FLAG LOTS.
A. Flag lots are permitted within a rural cluster subdivision, subject to the following standards:
1. **Maximum Size.** Flag lots shall be a maximum of 10 acres in size, except that larger conservancy lots in a cluster subdivision may be flag lots. The “flag pole” part of the lot, when less than the minimum required frontage or lot width, is not included in the calculation of minimum lot area.
2. **Minimum Street Frontage/Flagpole Width.** Each flag lot shall have at least 32 feet of street frontage and at least 32 feet of width for the entire length of the “flag pole” portion of the lot.
3. **Limit on Number and Contiguity.** A maximum of one (1) flag lot is allowed in cluster subdivisions containing 4 or less cluster lots. No more than 20 percent of the cluster lots in a cluster subdivision of 5 or more lots may be flag lots. No more than 2 flag lots sharing a single access may be contiguous.
4. **Prohibition on Future Subdivision.** A flag lot shall not be further subdivided into additional lots. This prohibition on future subdivision shall be included as a note on the recorded Cluster Subdivision Plat.

14-1003.04 ALLOWED USES ON RESIDENTIAL CLUSTER LOTS
Please refer to Section 13-1100, “Rural Cluster Option,” in the Zoning Regulations for applicable standards addressing principal and accessory uses allowed on residential cluster lots.

14-1003.04.01 CONSERVATION AREA(S)
14-1003.04.01 MINIMUM PERCENTAGE—CONSERVATION AREA(S)
A. Except as specifically allowed by this Section, the minimum percentage of the cluster development parcel’s total gross land area that shall be set aside as conservation area(s) is 70%. All conservation areas shall be contained within tracts and clearly delineated on the Cluster Subdivision Plat. The area, intended use, and final ownership of all conservation area tracts shall be shown on the plat.
B. The county may reduce the amount of conservation area preserved to no less than 60% when the applicant submits an exceptional subdivision design that meets all the design and siting criteria required by this Section 14-1003, and complies with the following criteria:
   1. The Cluster Subdivision Plat delineates individual building envelopes within each cluster lot;
   2. To the maximum extent possible, the lots and building envelopes are arranged within each individual cluster so that open, unfenced, private yards on each lot are adjacent and contiguous to each other; and
   3. The county finds that the exceptional site design and use of private yards as a surrogate for set-aside conservation area furthers the open space and rural preservation goals and intent stated in Section 14-304, and mitigates the reduction in the amount of conservation area.
14-1003.04.02  CREDIT FOR PUBLIC PARK LAND DEDICATION

Lands set aside and permanently preserved as conservation area(s) under this Section 14-1003.04 shall be credited 100% toward the dedication requirement for public parks required in Section 14-111, “Dedication Standards,” of these Subdivision Regulations.

14-1003.04.03  DELINEATION OF CONSERVATION AREA(S)

A. The required percentage of conservation area on the site shall consist of, in order of priority:

1. Sensitive Development Areas, in order of priority:
   a) Riparian areas, as identified on the Arapahoe County Resource Composite Map, which is incorporated by reference herein.
   b) 100-year floodplains, as identified on the Arapahoe County Resource Composite Map, or as mapped by Federal Emergency Management Agency (FEMA), or other public or private entity and accepted by the County, or as identified by the applicant if prepared by a qualified professional and approved by the County. If the 100-year floodplain is not mapped, the applicant shall retain a qualified professional to delineate the 100-year floodplain on the property prior to formal submittal of the cluster subdivision application.
   c) Other water bodies, rivers and streams, and wetlands, as identified on the Arapahoe County Resource Composite Map or through other County mapping, or as identified by the applicant’s site analysis and approved by the County. Applicants should contact the U.S. Army Corp of Engineers regarding delineation of regulated wetlands.
   d) Prime Farm Land, as identified on the Arapahoe County Resource Composite Map, or mapped by the Natural Resources Conservation Service.
   e) Steep slopes and other geologically sensitive areas, as identified on the Arapahoe County Resource Composite Map, or as identified by the applicant’s site analysis and approved by the County.
   f) Other Sensitive Development Areas, as identified on the Arapahoe County Resource Composite.

2. Other environmental areas or features not identified on County maps or other specified maps, but identified by the applicant on the site analysis map or by the County at the site visit, including but not limited to:
   a) Ridgelines, as viewed from adjacent county roads;
   b) Significant views of the rural, open character of the district, as viewed from adjacent county roads;
   c) Historic structures greater than 50-years in age,
   d) Archeological sites, or
   e) Mature trees or stands of mature trees and indigenous significant vegetation.

3. Other lands required to be dedicated to the public under Section 14-111 of these Subdivision Regulations or otherwise dedicated, as applicable, including:
   a) Land for public schools;
   b) Land for public parks or trails; and
   c) Land for other public purposes.

14-1003.04.04  CONSERVATION AREA(S) CONFIGURATION CRITERIA

A. The applicant shall configure the conservation areas in a manner to:

1. Conform with any adopted County open space and trail plans, as amended;
2. Provide contiguity with adjacent open space, conservation areas, and agricultural lands;
3. Protect unique natural, historic, or cultural site features and resources;
4. Provide minimum buffer widths between any residential dwelling and adjacent agricultural activities, as required by Section 7-203 of this Code;
5. Provide a minimum buffer of 50 feet along all perimeter public roads; and
6. Avoid fragmentation of conservation areas within the site.

14-1003.04.05 Allowed Uses and Activities in Conservation Area(s)

Please refer to Chapter 13, “Rural Cluster Option,” in the Zoning Regulations for applicable standards addressing principal and accessory uses allowed in the conservation areas.

14-1004 Utility and Infrastructure Requirements

14-1004.01 Water

A. Residential cluster lots may be served with either individual wells or by a community or central water supply system.
1. An individual well shall be located on the residential lot that the well serves, and shall comply with the applicable requirements of the Office of the State Engineer. All well requirements shall be verified prior to the issuance of a Certificate of Occupancy by the Building Division.
2. A community or central water supply system may be located within the residential cluster(s) it serves, or may be located within a conservation area tract provided the County finds:
   a) The system cannot reasonably be contained within the residential cluster(s) or other nearby developed areas;
   b) Construction, installation, and maintenance of the system shall comply with all applicable federal and state standards and specifications, including but not limited to regulations promulgated by the Colorado Department of Public Health and Environment and the Office of the State Engineer;
   c) Construction, installation, and maintenance of the system shall comply with all terms and conditions in any applicable Intergovernmental Agreement; and
   d) Construction of the system shall not disturb a Sensitive Development Area, or other significant natural area or feature, unless substantially mitigated by the applicant.

14-1004.02 Wastewater

A. Residential cluster lots may be served by on-site wastewater systems or by central (community) sewer systems.
1. An onsite wastewater system (“OWS”) shall be located on the residential lot that the system serves and shall comply with all applicable Tri-County Health Department regulations.
2. Residential clusters shall establish an OWS management program approved by Tri-County Health Department. For subdivisions containing 50 or more residential cluster lots, the management program shall designate a management entity and address: OWS maintenance, inspection and pumping; program financing; enforcement; homeowner education; and annual reporting to Tri-County Health Department. For subdivisions with less than 50 lots, or if a property owners association does not exist, or if it is not feasible
for the property owners association to serve as the management entity, an alternate management arrangement may be proposed.

3. A central or community sewer system and its components may be located within a residential cluster(s), or may be located within a conservation area tract provided the County finds:
   a) The central sewer system cannot reasonably be contained within the rural cluster(s) or other nearby developed areas;
   b) Construction, installation, and maintenance of the system shall comply with all applicable federal, state (including the Colorado Department of Public Health and Environment), DRCOG, and Tri-County Health Department standards and specifications; and
   c) Construction of the system shall not disturb a Sensitive Development Area or other significant natural area or feature, unless substantially mitigated by the applicant.

14-1004.03 FIRE PROTECTION
Applicants should confer with the appropriate fire district regarding current levels of fire protection service and, based on such information, provide an adequate level of fire protection for residents. The County strongly encourages applicants to provide a coordinated fire protection approach with the district that may include, but is not limited to, a designated community water supply, tank, or well of sufficient capacity for fire protection demands; an adequate number and spacing of fire hydrants; or the provision of sprinkler systems within individual dwellings.

14-1004.04 ROADS
14-1004.04.01 INTERNAL CLUSTER SUBDIVISION ROADS
   A. Private Internal Roads: All private internal roads connecting with the county access road and located within the boundaries of the cluster subdivision shall be constructed according to adopted county “rural private roadway” standards, with the approval of the applicable fire district and provided adequate roadside drainage is assured. The applicant shall include all private roads within tracts dedicated to that purpose on the subdivision plat, and include adequate easements for access, utilities, and drainage. Property owners within the cluster subdivision shall own and maintain all private internal roads under common ownership.
   
   B. Public Internal Roads: All public (dedicated) roads connecting with the county access road and located within the boundaries of the cluster subdivision shall be constructed to the specifications of the adopted county “rural roadway” standard, which requires a 60-foot right-of-way section. However, the County may approve a 24-foot paved surface width plus two (2) six-foot (6’) gravel shoulders within a sixty (60) foot right-of-way section for such public roadways in rural cluster subdivisions with the approval of the applicable fire district and provided adequate roadside drainage is assured.

14-1004.04.02 ACCESS TO COUNTY ROADS
All roads necessary to provide access to the cluster subdivision from a county road, but not located within the boundaries of the subdivision, shall be constructed to the specifications of the county’s standards for either rural private roadways or rural (public) roadways described in Section 14-1004.04.01 above. For example, in order to connect internal cluster subdivision roads to a county section line road, the applicant needs to construct a new road through an adjacent property. That new road must be built as either a private or public rural roadway meeting all county roadway standards and specifications.
14-1004.05  PEDESTRIAN AND MAINTENANCE ACCESS
A. The applicant shall provide pedestrian and maintenance access to the conservation area(s) in accordance with the following requirements:
   1. General Rule. For each 20 lots in a cluster development, the applicant shall provide at least one centrally located access easement for pedestrian and equestrian use of the conservation area(s), as well as for maintenance access. The access easement shall be a minimum of 30 feet wide.
   2. Exceptions. The applicant may restrict pedestrian or equestrian access in any of the following circumstances:
      a) Access may be restricted to agricultural lands for public safety reasons and to prevent interference with agricultural operations.
      b) Access may be restricted to portions of conservation areas that contain Sensitive Development Areas, including but not limited to areas of steep slopes, wetlands, critical wildlife habitat, or other significant natural feature that the County determines could be harmed if unrestricted pedestrian access were allowed.

14-1004.06  STORMWATER MANAGEMENT AND DRAINAGE FACILITIES
A. All stormwater management and drainage facilities and their components, such as detention and water quality ponds, shall be contained within tracts and clearly delineated on the Cluster Subdivision Plat. The applicant shall show the area, intended use, and final ownership of all stormwater management and drainage facilities on the plat. Stormwater management and drainage facilities shall be sited within the residential cluster component of the subdivision to better ensure ongoing and regular maintenance of the facilities. However, the County may approve an alternate location within a conservation area tract provided the County finds:
   1. The facilities cannot reasonably be contained within the rural cluster(s) or other nearby developed areas;
   2. Construction of the facilities shall not disturb a Sensitive Development Area or other significant natural area or feature, unless substantially mitigated by the applicant; and
   3. The Engineering Division Manager or designee recommends approval of the alternative siting in the conservation area, with or without conditions.

14-1005  OWNERSHIP AND MAINTENANCE OF CONSERVATION AREA(S)
14-1005.01  CONSERVATION AREA(S)—LENGTH OF TERM
Future development within the conservation area shall be prohibited in perpetuity.

14-1005.02  OWNERSHIP OPTIONS
The applicant shall propose measures or methods for long-term ownership of the conservation area(s). The following methods may be used, either individually or in combination, for long-term ownership of the conservation area with the approval of the County:

14-1005.02.01  FEE SIMPLE DEDICATION TO ARAPAHOE COUNTY
A. The County may, but shall not be required to, accept any portion of the conservation area as a fee simple dedication, provided:
   1. The County shall have no acquisition costs, unless the County agrees to purchase the property; and
   2. The County agrees to and has access to maintain such land.
14-1005.02.02  FEE SIMPLE DEDICATION TO OTHER GOVERNMENTAL ENTITY

The County may approve dedication of the conservation area to another governmental entity—federal, state, or local—under terms that ensure permanent protection and maintenance of the conservation area.

14-1005.02.03  DEDICATION OF EASEMENTS TO ARAPAHOE COUNTY

A. The County may, but shall not be required to, accept conservation easements on any portion of the conservation area. In such cases, the land remains in the ownership of the property owners association, private conservation organization, or other acceptable entity, while the County holds the easement (which may allow for public access or other public benefit). In addition, the following regulations shall apply:
   1. The County shall have no acquisition costs; and
   2. A satisfactory maintenance agreement shall be reached between the owner and the County.

14-1005.02.04  PROPERTY OWNERS ASSOCIATION

A. Conservation areas may be held in common ownership by a property owners association, subject to all of the provisions for such associations set forth by the State of Colorado. In addition, the applicant shall meet the following regulations:
   1. The applicant shall provide the County for review and approval a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for the conservation area, including a legal description of the land and any restrictions placed upon its future use and enjoyment.
   2. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the approval of any final plat within the cluster development.
   3. Membership in the association shall be automatic (mandatory) for all purchasers of lots therein and their successors in title. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
   4. The association shall be responsible for maintenance and insurance of the conservation area(s).
   5. The association shall provide written notice of any proposed transfer of, or the assumption of, maintenance for the conservation area to all association members and to the County no less than 60 days prior to such event.
   6. The association by-laws shall give the County authority (but no obligation or duty) to assume responsibility to enforce these restrictions if the association fails to maintain the conservation area, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

14-1005.02.05  RETENTION OF INTEREST BY OWNER OR DEVELOPER

A. The owner or developer of the rural cluster development property may retain title to the conservation area, provided:
   1. A deed restriction is placed on the conservation area, which is acceptable to the County, and
2. As applicable, the applicant submits a Management Plan acceptable to the County pursuant to Section 14-1005.03.02, “Management Plan,” below, that ensures perpetual maintenance.

14-1005.02.06 PRIVATE CONSERVATION ORGANIZATION (WITH APPROVAL OF COUNTY)

A. With approval of the County, an owner may transfer either a conservation easement or fee simple title for the conservation area to a private non-profit organization, provided:
   1. The conservation organization is acceptable to the County and is a qualified conservation organization intended to exist indefinitely;
   2. The conveyance contains appropriate provisions for proper reverter or transfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;
   3. The conservation area shall be permanently restricted from future development through a conservation easement, and the County is given the authority (but no obligation or duty) to enforce these restrictions; and
   4. A maintenance agreement acceptable to the County is established between the owner and the conservation organization.

B. With the approval of the County, land within a proposed conservation area encumbered by a conservation easement that exists before submittal or approval of a rural cluster subdivision application may satisfy the requirement for permanent conservation stated in Section 14-1005.01 above if the County finds the following conditions are met:
   C. The terms of the existing conservation easement are consistent with the purpose of the Rural Cluster Option established in this section;
   D. The preserved land has natural, scenic, open space, wildlife habitat, agricultural, recreational or other value that justifies the applicant receiving the Rural Cluster Option benefits;
   E. Significant public benefit has derived from the applicant’s preservation of the land subject to the existing conservation easement;
   F. The amount, location, and design of the preserved land meets the standards and criteria stated in this Section 14-1000; and
   G. Preservation of the land qualifies as a conservation contribution under Section 170(h), as amended, of the Internal Revenue Code.
   H. The previous donation of a conservation easement does not create a right to apply the preserved land toward meeting the preserved land requirements of this Chapter. The County will consider all such cases on an individualized basis to determine if it satisfies the criteria and standards stated above.

4-1005.02.07 NON-COMMON PRIVATE OWNERSHIP—CONSERVANCY lots

A. As approved in a Cluster Subdivision Plat, a portion of the required conservation area may be included within one or more large “conservancy lots,” provided:
   1. The conservancy lot(s) meet the minimum conservancy lot size requirements set forth in Section 13-1104 of the Zoning Regulations.
   2. The conservation area within the conservancy lot is permanently restricted from future development and activities through a conservation easement or other deed restriction acceptable to the County, except for uses allowed in Section 13-1104.01 of the Zoning Regulations, “Allowed Uses and Activities in Conservation Areas,” and
the County is given the express authority (but no obligation or duty) to enforce these restrictions.

14-1005.03 MANAGEMENT OF CONSERVATION AREA(S)
14-1005.03.01 MANAGEMENT COST AND RESPONSIBILITY
Unless otherwise agreed to by the county or unless the land is dedicated to the county, the cost and responsibility of maintaining and managing the conservation area shall be borne by the property owner, property owners association, conservation organization, or other owner entity as identified pursuant to section 14-1005.02, “ownership options,” above.

14-1005.03.02 MANAGEMENT PLAN—WHEN REQUIRED
A. A Plan for Management of the Conservation Area(s) (“Management Plan”), prepared according to Section 14-1005.03’s requirements below, will be required for all cluster subdivisions in which the cumulative acreage of the conservation area(s) totals 160 acres or more, unless the original owner of the total conservation area retains ownership and will continue its use for permitted agricultural purposes.

B. When the original owner of the conservation area retains ownership for continuing agricultural uses, the applicant shall explain in the cluster subdivision application how the owner intends to ensure the perpetual maintenance of the conservation area. The applicant shall reference and include copies of any existing Natural Resources Conservation Service (NRCS) conservation management plans or grazing management plans for the property required for participation in federal agricultural and rangeland programs. The county may condition subdivision approval on the future submittal of a Management Plan upon a change in ownership or use of the conservation area.

C. When the total conservation area is less than 160 acres, the applicant shall submit a weed control plan in compliance with county regulations, and shall indicate on the application what entity will be responsible for the long-term maintenance of the conservation area, but will not be required to submit a detailed Management Plan as required in Section 14-1005.03.03 below.

14-1005.03.03 MANAGEMENT PLAN—CONTENTS AND ISSUES ADDRESSED
A. The applicant shall, at the time of the Cluster Subdivision Plat submission, provide a Plan for Management of the Conservation Area(s) (“Management Plan”) in accordance with the following requirements.
1. The Management Plan shall define ownership of the conservation area(s), and the organization(s) that will monitor and maintain the area(s).
2. The Management Plan shall include a baseline report identifying the condition of the conservation area at the time the cluster subdivision application is submitted.
3. The Management Plan shall state its purpose and objectives for management of the conservation area, including but not limited to the following, as applicable: wildlife management; cultural resource management; agricultural operations and management; and environmental protection and restoration.
4. The Management Plan shall establish necessary regular and periodic operation and maintenance responsibilities and include an operations and maintenance program that estimates staffing needs, insurance requirements, and costs, and defines the means for funding maintenance on an on-going basis. Such program plan shall include the
means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
5. To ensure execution of the Management Plan, the County may require the applicant to escrow sufficient funds for the maintenance and operation costs of conservation area for up to one year.
6. Any changes to the Management Plan shall be approved by the County.
7. In the event that the organization established to maintain the conservation area, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the County may assume responsibility for maintenance (but shall have no obligation or duty to do so), in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
8. The Management Plan shall allow the County to enter the premises and take corrective action including extended maintenance. The costs of such corrective action may be charged to the property owner, property owners association, conservation organization, or individual property owners who make up a property owners association, and may include administrative costs and penalties. Such cost shall become a lien on said properties. Notice of such lien shall be filed by the County.

14-1006 RECOGNIZING PROTECTION BY COLORADO “RIGHT TO FARM” ACT
Final Cluster Subdivision Plats and deeds authorized and recorded pursuant to this Section 15-100 shall include a statement that agriculture uses operating on the conservation area tracts enjoy the protection of the Colorado “Right to Farm” Act (C.R.S. Section 35-3.5-101, et seq.).

Revisions: June 30, 2010; Amended 08-30-2012 Rural Engineering Standards referenced. Rev 01-03-2017: clarify calendar days vs. business days, clarify “Board” is Board of County Commissioners; clarify Vacation process; clarify title commitment expiration. Rev 7-31-18: Subdivision exemptions
# CHAPTER 15  DESIGN PRINCIPLES

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SECTION 15-100 Development Design Principles

15-101 DEVELOPMENT DESIGN PRINCIPLES – STANDARDS AND GUIDELINES ESTABLISHED

15-101.01 Intent

These Design Principles are set forth to:
1. Promote high-quality design of development.
2. Encourage site design that presents an image of high quality and value.
3. Set minimum quality standards for site development, organization, relationship to adjacent properties and building architecture that work in conjunction with zone-specific standards elsewhere stated in this code.
4. Develop sites in a manner that is sensitive to the existing and adjacent topography while maintaining panoramic views.
5. Allow for the integration of appropriate commercial development with residential development in the Urban Growth Boundary of unincorporated Arapahoe County (as defined and depicted in the Arapahoe County Comprehensive Plan).
6. To design a group of integrated neighborhoods with appropriate residential, commercial and employment land uses and public facilities. The neighborhood, as a planning unit, is intended as an area principally for residential use. Space for religious, recreational, educational, and shopping facilities should be provided and designed as an integral part of each neighborhood at a scale commensurate with the size and needs of the neighborhood.

15-101.02 Applicability

A. Required for All Development – These Design Principles are incorporated into the Arapahoe County Land Development Code and are divided into two categories, Standards and Guidelines. All development applications must comply with the Standards and are encouraged to incorporate the Guidelines into the development whenever possible.

B. Applications / Processes Affected – Applicable development applications are: Conventional Rezoning, Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Site Plan, Location and Extent, Use by Special Review and Special Exception Use.
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15-101.03 Relationship between Standards and Guidelines
A. Standards – The Standards are intended to promote a higher quality of design for all applications by providing requirements for site planning and architecture that allow for flexibility in individual building design while promoting a cohesive image of quality.
   1. These Standards are in addition to the zone-specific standards in this Land Development Code. If only the minimum zone-specific standards for each zone district are followed, as expressed by the various resolutions and codes regulating land development, a standardization of development may occur.
   2. These Design Standards are intended to work in conjunction with the specific requirements, design guidelines, and zone-specific standards to prevent establishment of a monotonous urban setting.
   3. These Design Standards incorporate the idea that the County strives to be a diverse community with a refreshing mix of architectural styles, materials, and forms with building materials that present an image of high quality and permanence. Fostering and maintaining a community with a rich blending of designs that complement each other and create economic value is more important to the County than promoting any one particular design style.

B. Guidelines – In addition to the Standards that are set in place to complement the requirements outlined in each zone district, the County has adopted Guidelines. The Guidelines serve as flexible guidance for the design of elements throughout a development and promote quality in materials and form in all aspects of new development. In particular, these Guidelines promote better design compatibility between different uses, especially where incompatible uses are located adjacent to one another. In addition, these Guidelines promote a more diverse mix of architectural styles, materials, and forms.

15-101.04 Relationship to the Comprehensive Plan
These Standards and Guidelines are consistent with the guidance and intent of the Arapahoe County Comprehensive Plan, which states that Arapahoe County will project its local character and convey an image of high-quality design in new development. Furthermore, this section is, in part, fulfillment of a goal of the Comprehensive Plan which states that the County will consider developing and adopting guidelines to enhance the quality of the urban environment. If only the minimum zone-specific standards are followed, as expressed by the various resolutions and codes regulating land development, a standardization of development may occur and may produce a monotonous urban setting. Subdivision design shall be of a quality to carry out the purpose and spirit of the policies and special reports expressed in the Comprehensive Plan (and amendments thereto) and in the Land Development Code.

15-102 DEVELOPMENT DESIGN STANDARDS – NON-RESIDENTIAL

15-102.01 Natural Features
A. The layout of lots and blocks shall make use of natural contours while maintaining existing views, affording privacy for nearby residents and protecting from adverse noise and vehicular traffic.
B. Natural features and vegetation of the area shall be preserved if at all possible.
   1. Lacking any reasonable alternative to not grading ridgelines, swales and drainageways, major ridgelines and major swales and drainageways shall be graded in a manner that maintains their approximate topographic form. Significant reconstruction of major or prominent topographic features shall be avoided to the maximum extent feasible.
   2. Tree masses and large individual trees shall be preserved. A tree survey mitigation plan is required if tree masses and large individual trees are to be preserved, relocated, or replaced. Healthy
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trees measuring 4-caliper inches or more shall be replaced with a one-to-one ratio, caliper-inch for caliper-inch or, where not feasible, an equivalent based on numbers of trees and caliper-inch.

15-102.02 Site Layout
A. Subdivisions that create large parcels that offer the possibility of further subdivision shall be arranged to allow the opening of future streets and provide for logical replatting of the large parcels.
B. Shared service and delivery access shall be provided between adjacent parcels and/or buildings to the extent possible.

15-102.03 Architecture
A. Four-Sided / 360-Degree Architecture – Each building shall incorporate a similar level of architectural detailing on all sides subject to public view or viewed from adjacent properties. Blank walls void of architectural details or other variation are prohibited.
B. Screening of Mechanical Equipment
   1. All rooftop and grade-level mechanical equipment shall be screened from on-site grade-level view.
   2. Gas and electrical meters, generators, soft water tanks, venting, and heating and air conditioning units shall be screened from public view.
   3. Screening shall be part of the articulation of the building and integrated into the building design.
   4. All vents greater than eight inches in diameter shall be screened.
   5. Screens shall be at least as high as the equipment they hide, and shall be of a color and material matching or compatible with the dominant colors and materials found on the facades of the primary building.
   6. Parapet and screen walls shall be shown on all site plans and elevations as applicable.
   7. Sound attenuation for mechanical equipment shall be included in the overall site design, particularly when impacting residential uses or a public area.
C. Building Height and Setbacks – Building heights shall avoid the perception that individual buildings are out-of-scale with the size of their lots or with neighboring buildings, and shall avoid unnecessary snow shadowing of neighboring buildings and rights-of-way. Buildings located on the south side of streets are required to provide a 1:1 setback from the flow-line (building height to setback ratio) to accommodate snow shadows. Developments are encouraged to display transitional elements when incompatible uses are adjacent to one another.

15-102.04 Pedestrian Amenities
A. Ground-floor facades that face public streets or other public areas (e.g., outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features along no less than 25% percent of their horizontal length. Pedestrian-oriented design features include, but are not limited to, covered or sheltered sidewalks, porticos, entryways, and awnings.
B. Pedestrian walkways shall be separated from roadways used by vehicular traffic. Sidewalks shall be designed to provide all sites with logical pedestrian connections to adjacent uses and public walkways, schools, parks and playgrounds, places of worship, and shopping areas.

15-102.05 Outdoor Storage
A. All outdoor storage shall be screened from view when the use is visible to the general public from public open space or park lands, from a public right-of-way (including streets, trails, and sidewalks), and from adjacent residential or other non-residential uses.
B. Screening shall consist of a solid fence or wall, at least six, and not more than ten feet in height, notwithstanding any more restrictive provisions contained in the County Land Development Code.
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C. Where topographic conditions such as elevated rights-of-way permit visibility over the fence or wall, such visibility shall not be considered a violation of these Regulations. For commercial uses, such fence or wall shall match the colors/materials of the site’s primary building. Chain link fencing, with or without slats, shall not be used to meet screening requirements for any outdoor storage use.

D. Stacks or piles of items and materials shall not project above the fence or wall used to screen the material.

E. No storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water, shall be permitted as part of any outdoor storage use if such materials exceed applicable fire code requirements.

15-102.06 Hardscaping
Unrelieved, uninterrupted asphalt or pavement area shall be mitigated through the use of landscaping, contrasting colors and banding, or pathways of alternative paving material.

15-102.07 Service Areas
A. Location – Outdoor service areas, including loading docks, refuse collection areas, and similar facilities, shall be located at least 20 feet away from any public street, internal or private drive, sidewalk, internal pedestrian walkway, or building with a residential use (not including a mixed-use building). Trash collection or disposal areas, loading docks, or service areas shall not encroach into parking setbacks or required landscape buffers or be located between the front building line and a public right-of-way.

B. Screening – Trash containers shall be shielded from view by placement within buildings, or by an enclosure with solid walls and/or fencing at least six feet in height. Trash storage containers, trash compactors and trash placed in such containers shall not project above the screening wall or fence. Wall, gates, and fence materials shall be identical to, or shall compliment, the exterior building materials on the primary structure. Trash enclosure gates shall be constructed of metal or other solid material or cladding. Additional landscaped berms and plantings may be required to minimize views of service and trash areas.

15-102.08 Landscaping and Buffers
A. Landscape design, in terms of quantity, quality, and spacing of landscaping materials, will be reviewed as part of a development plan application. Particular emphasis will be placed on buffers and determination of optimal placing of landscaping between adjacent uses.

B. Landscape buffers shall contain landscaping and other landscape/screening elements such as fences, berms, decorative walls, retaining walls, etc. A combination of such design treatments is encouraged for buffers. Public and private easements are also allowed in landscape buffer areas.

15-102.09 Parking Lots
Parking lot landscaping and screening are required to be provided in accordance with the parking regulations contained in the Arapahoe County Land Development Code. Methods of screening a parking lot include: berming, landscaping, and decorative walls/fencing.

15-102.10 Open Space
All non-residential development shall provide open space areas that are landscaped. All open space areas shall be provided and landscaped in accordance with the requirements of this Land Development Code.

15-103 DEVELOPMENT DESIGN STANDARDS – RESIDENTIAL
15-103.01 General Requirements
A. For all uses, except single-family residential, rural residential, and agricultural, drainage easements for storm sewer or overland conveyance, except for drainage from adjacent lots, shall be platted as tracts to be owned in common ownership.
B. Residential lots shall be platted outside the designated floodplain.
C. The design of individual residential buildings and groups of buildings shall employ a variety of design features, variations in wall and roof massing, textured surfaces, bay windows, the creation of shadow lines, a varied color palette, window patterns, historical reference, and similar residential architectural devices to avoid the creation of monotonous residential neighborhoods and streetscapes.
D. The Homeowners’ Association and/or Metropolitan District or a private owner shall maintain any areas not subject to maintenance by Arapahoe County or a recreation district. The ownership/maintenance of such areas shall be specified and/or dedicated on the Final Plats or on the plans for development on a previously platted lot.

15-103.02 Screening
A. Trash containers shall be shielded from view by placement within buildings, or by an enclosure with solid walls and/or fencing at least six feet in height. Trash storage containers, trash compactors and trash placed in such containers shall not project above the screening wall or fence.
B. Walls, gates, and fence materials shall be identical to, or shall complement, the exterior building materials on the primary structure. Trash enclosure gates shall be constructed of metal or other solid screen material or cladding.
C. Additional landscaped berms and plantings may be required to minimize views of service and trash areas.

15-103.03 Lighting
A. All lighting shall, at a minimum, conform to the lighting standards in the Arapahoe County Land Development Code.
B. All lighting mounted on buildings or poles shall be downcast, without drop lenses, and shall be shielded.

15-103.04 Landscaping
A. Parking lot landscaping and screening are required to be provided in accordance with the parking regulations contained in the Arapahoe County Land Development Code.
B. Methods of screening a parking lot include berming, landscaping and decorative walls/fencing.

15-104 DEVELOPMENT DESIGN GUIDELINES – MIXED USES
15-104.01 Encouraged – Variety of Uses and Housing Types
A. Whenever appropriate, Arapahoe County encourages a mixture of land uses in new developments. The Comprehensive Plan states that “Arapahoe County will amend zoning regulations, as applicable, to allow a greater mix of residential and compatible non-residential uses within the Urban Service Area [Urban Growth Boundary].”
B. The County encourages mixed-use areas with a variety of uses, residential housing types and densities and services and employment areas serving residential areas. Organization of uses should allow appropriate integration to protect sensitive, lower-intensity residential neighborhoods and allow easy cross-neighborhood access.
   1. Variety of Uses – A variety of grouped, non-residential land uses are appropriate to the mixed-use area. These include:
      a. Transit station/park and ride;
      b. Neighborhood-serving retail uses;
      c. Small businesses with low traffic generation, such as service businesses;
      d. Small-scale offices and clinics;
      e. Civic Uses;
      f. Schools and day-care centers;
      g. Places of worship and assembly;
      h. Parks and other recreation areas.
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2. **Variety of Housing Types** – Housing types and other uses can, with appropriate design, easily share streets and blocks and provide opportunity for moderate-cost housing to be located adjacent to higher-cost housing, as well as in proximity to non-residential uses. A variety of housing types can fit into this higher-activity area including:
   a. Residential units above retail shops or work places;
   b. Multi-family housing;
   c. Townhomes or duplexes; and
   d. Small lot single family homes with accessory dwelling units.

C. The quantity and quality of uses are determined during specific planning processes and should be appropriate for the respective mixture of land uses. At that time, buffering and proximity of differing land uses are to be established.

D. These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code.

15-104.02 **Location, Connections and Transitions**

The County encourages a successful mixed-use center, with a variety of uses serving the local area and connected by a logical system of streets, buildings, and open spaces. These land uses should generally transition in intensity and density from the commercial center to surrounding lower-intensity and lower-density residential neighborhoods. Elements include:

A. **Variety of Uses** – Mixed-use commercial areas should contain a combination of uses including residential, retail, offices, services, civic uses, parks and open space. Uses located on the ground floor that stimulate pedestrian activity are an example. Auto related uses (auto repair and supply, etc.) are allowed only as secondary uses and located at non-prominent locations. Large retail uses should incorporate the small scale pedestrian pattern of the mixed use area.

B. **Development Pattern** – A mixed-use commercial area should maintain a functionally linked pattern of street layout, site design, building scale and character. Street and block patterns, pedestrian and bicycle connections should extend through the mixed use commercial center.

C. **Location of Commercial Mixed Use Areas** – Commercial mixed-use areas should be located to maximize pedestrian access by the greatest number of residents as well as the surrounding community.

D. **Transition Areas** – Mixed-use commercial centers are a focus for the surrounding neighborhood as a place to live, shop and work. These areas include attached and detached housing of a higher density around a neighborhood commercial center or a commercial area, with secondary uses near primary retail establishments. The surrounding neighborhoods contain moderate densities which form a transition and link between lower-density residential neighborhoods and commercial or light industrial/employment areas.

15-104.03 **Structure – Nodal or Linear**

The structure of mixed use areas will vary; the following two illustrations represent two possibilities:

A. **Nodal Centers** – generally focused on a civic space such as a square, plaza, village green or commons.

B. **Linear Mixed-Use Areas** – generally feature “main streets” mixed use retail streets sometimes ending in a civic space, such as a park or plaza.

15-104.04 **Horizontally or Vertically Mixed**

A. **Horizontally Mixed Land Uses** – Horizontally-mixed land uses unified by a pattern of streets and blocks with buildings fronting streets are desirable. This is one way to integrate commercial uses and housing in a mixed use area. Compatible uses may share a street. Higher-intensity uses, with appropriate design, may share a block and an alley while fronting on separate streets.

B. **Vertically Mixed Land Uses** – Vertically-mixed uses are desirable, particularly on primary pedestrian streets. Streets lined with shops, with offices and residences above, provide added activity and informal surveillance of the street-life.
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15-105.01 Documentation

Adherence to these guidelines should be demonstrated and documented.

15-105.02 Design Guidelines – Commercial Development

Commercial developments should be cohesive, planned lots and tracts, with all elements sharing the same or compatible architectural and landscaping themes within a development. Infill developments are encouraged to consider the surrounding area for their design concept. Both pads and anchor stores should incorporate thematic materials, roof types, and colors. Thematic concepts, floor/area ratios and uses are reviewed at time of the appropriate development application, as established in the Arapahoe County Land Development Code. Strip commercial is discouraged. These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code.

A. Design Elements – Design elements, including but not limited to the following, are encouraged to be incorporated into the design of commercial developments:

1. On-site loading docks and service areas are encouraged to be oriented towards service roads, and shared service drives should be used where possible. They should be located to minimize visibility from public streets or adjacent residential uses. Service and loading areas that are visible from residences or public streets are encouraged to be adequately and appropriately screened by fences, walls, landscaping, berms or any combination thereof.

2. Loading docks and service areas can be combined between multiple sites, when possible.

3. The design of all buildings should employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, changes in parapet heights, and similar architectural devices to avoid monolithic shapes and surfaces. To emphasize building entries, awnings, banners, lighting and towers are recommended.

4. Each primary building taller than 30 feet in height should be designed so that the massing or facade articulation of the building is appropriately articulated to provide human scale.

5. All stairwells, corridors and circulation components of the building should be completely enclosed within the building envelope;

6. Intense, bright, or fluorescent colors should not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors. Highly reflective or glare-producing glass is not recommended.

7. Soft outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is required. Overflow lighting should be minimized, and all lighting should be shielded, as regulated by the lighting section of the Land Development Code.

8. All building facades facing and visible from freeways or arterials should be finished with the same mix of materials and colors, and the same degree of fenestration and articulation used on the major entry walls facing the nearest adjacent street.

9. When sloping roofs are used, the following design elements are encouraged: projecting gables, hips, horizontal/vertical breaks, or other similar techniques.

10. Pitched roofs should be surfaced with durable materials that are complementary to the building architecture.

11. Landscaping, pedestrian areas and design elements within the commercial areas should be maintained by the commercial association or the private owner unless agreed to be maintained by another entity.

12. Where a building design allows, parking can be located behind the structures, so that the building is the focal point along the public street.

13. Tasteful consideration of corporate identities, in terms of logos and signage, should be applied.
B. Retail Pad Developments - Design elements which are encouraged to be incorporated into retail pad developments include:

1. A commercial pad is considered to be a building pad located at the perimeter of a commercial site, adjacent to a street. Commercial pad sites should not obstruct the view of the anchor stores.

2. Sufficient stacking should be provided for each drive through lane to prevent spill-over into major circulation aisles. Ordering systems should not negatively impact adjacent residential uses.

3. Temporary and seasonal outdoor uses, such as farmer’s markets, outdoor nursery displays, and sidewalk sales are subject to the regulations of the Arapahoe County Land Development Code.

4. Each building facade is encouraged to have a repeating theme, such as: color or color change, texture changes, material changes, and/or offsets, reveals, or projecting ribs.

5. Pedestrian oriented design features are promoted, for example: ground floor facades that face public streets should have arcades, display windows, entry areas, awnings, or other such features.

6. Soft outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is encouraged. Overflow lighting should be minimized, and all lighting should be shielded for glare.

15-105.03 Design Guidelines – Industrial Development

Industrial parcels should be cohesive, planned lots and tracts, with all elements sharing the same or compatible architectural and landscaping themes within a development. Infill developments are encouraged to consider the surrounding area for their design concept. Thematic concepts, floor/area ratios and uses are reviewed at time of the appropriate development application, as established in the Arapahoe County Land Development Code. These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code.

A. Creativity – Creativity of design is encouraged.

B. Design Elements – Design elements which are encouraged to be incorporated into industrial developments include:

1. Industrial activities should be oriented to minimize visual and audible impacts to residential uses, and to freeways and arterial roadways. A combination of appropriate screening and landscaping would enhance the compatibility of industrial uses to adjacent land uses.

2. Roofs are to be a prominent and complementary element of a building’s architecture. Buildings with flat roofs should be designed to create visual interest by using variations in parapet height. Pitched roofs can be integrated into a building’s architecture and used to accent its façade by identifying entrances, providing pedestrian arcades, etc. Large monolithic expanses of pitched roofs should be avoided. Materials such as seamed architectural metals, concrete, clay, and/or slate tiles should be used on all pitched roof surfaces. Internal roof drains are recommended.

3. Position entries to buildings so they are easily identifiable from adjoining public right-of-way and primary access drives. The entrance to the building should be clearly defined. Provide employee-gathering places in areas that are of a sufficient size and scale, and buffered from traffic and circulation areas. Employee gathering areas shall not be located in proximity to primary public entrances.

4. Loading docks and service drives/areas should be combined between multiple sites, wherever possible. On-site loading docks and service areas should be oriented towards service roads. They should be located to minimize visibility from public streets or adjacent residential uses. Service and loading areas that are visible from residences or public streets are encouraged to be appropriately screened by fences, walls, landscaping, berms or any combination thereof.

5. Refuse areas and outside storage areas should not encroach into parking setbacks or landscape buffers.
6. Fences and walls should be constructed of materials consistent with those used on primary structures.
7. Temporary and seasonal outdoor uses are subject to the requirements of the Arapahoe County Land Development Code.
8. A mechanism for maintenance of any common areas, landscaping areas, pedestrian areas and design elements within the industrial development shall be identified at the time of the review of the development application.
9. Outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is required. Overflow lighting should be minimized, and all lighting should be shielded for glare.

15-105.04 Architectural Considerations

A. Scale
1. Scale relationships should be carefully considered, and appropriate transitions provided where a change of scale is proposed or required. ‘Stairstepping’ building height, breaking up the mass of the building and shifting building placement can help mitigate the impact of differing building scales and intensities.
2. A proposed commercial or industrial building should also respect the scale of any adjacent residential buildings, and provide an orderly transition to the different scale of development.
3. The actual height and bulk of a two-story office building is usually greater than that of a two-story residence. These buildings will not normally be compatible in close proximity unless they are separated by distance, articulated elevations, or a landscape buffer/screen.

B. Rhythm
1. Building rhythm relates to the horizontal and vertical patterns expressed by architectural features such as cornices, columns, windows, doors, or variations in massing.
2. New developments should respect rhythms established by adjacent buildings. Designers can employ several related rhythms to avoid repetition of one or very few elements throughout the building.
3. Examples of building rhythm include: horizontal and vertical banding with different colors or materials, groupings of windows, repetition of storefront details, or consistent sign design and placement.

C. Building Facade
1. External details in building facades, entries, stairways, retaining walls and other features provide visual interests, enrichment and texture to buildings. Four-sided/360-degree architectural treatment is encouraged. New developments are encouraged to incorporate the use of strong vertical and/or horizontal reveals, off-sets, and three dimensional detail between surface planes to create shadow lines and break up flat surface areas. If large blank surfaces are proposed, they should be for some compelling design purpose. The design should incorporate mitigating features to enrich the appearance of the project, and provide a sense of human scale at the ground level that is inviting to the public.
2. Rear building elevations, especially those facing adjoining residential areas, should be aesthetically enhanced with materials to match the front of the building. Where the rear of a building is viewed from a public right-of-way or an entryway into another building, additional details on the rear of a structure are encouraged. Exterior side yard setback areas (i.e., along side streets) and building elevations along these setbacks should be treated with the same quality of design and materials as the front setback area and front building elevations.

D. Colors and Materials
1. Materials and colors in the vicinity of the site should be considered when selecting the materials and colors for the proposed development. Materials and colors can unify an area through the use of a clearly defined palette. Colors and materials can be selected for compatibility with the site, as well as compatibility with the neighboring area.

E. Windows and Door Placement
1. Doors and windows can be located to maximize the possibility of occupant surveillance of common areas. Grids of repeated windows and doors should be architecturally
improved so that the patterns created by window and door placements add variety and interest to the design of the building. One such example could be pop out/revealed windows.

F. Screening – All rooftop and grade-level mechanical equipment shall be screened from grade-level view. Soft water tanks, gas meters, generators, heating and air conditioning units and electrical meters shall also be screened from public view, wherever possible. All methods of screening are encouraged to be architecturally compatible with the primary structure. The screening should be part of the articulation of the building and not appear to be an afterthought.

15-105.05 Building Orientation and Siting

A. Placement and Relationships – Placement of the building in relation to the surrounding elements is just as important as the design of the building. The proposed building orientation should respect the orientation of surrounding buildings, existing pedestrian paths/ sidewalks, and the orientation of surrounding streets. Rows of buildings, which create a monotonous, “cookie-cutter” design, are discouraged. Non-residential buildings should be oriented to allow for the use of common driveways, especially along arterial streets, where a reduction in the number of curb openings would enhance the streetscape and promote traffic safety.

B. Orientation and Accessibility – Buildings should be oriented so that the entrances are clearly identifiable and directly accessible from a sidewalk. Buildings should be accessible for pedestrians and public transit users, not just for customers and employees driving private motorized vehicles. On commercial sites, especially large retail centers, a portion of the total building area should be located near the street perimeter. Such siting reinforces the streetscape and helps to provide additional screening for large parking areas. Where parking structures are required, architecturally compatible materials are encouraged.

15-105.06 Relationship to Adjacent Uses / Transition / Connectivity

A. Transition of Land Uses and Intensity – In non-residential developments, larger buildings should be encouraged to locate near commercial centers, with a transition to smaller buildings closer to lower density neighborhoods.

B. Entryway Features
   1. It is recommended that the entryway features be located at one of a development's primary street entries.
   2. The entry feature should be constructed to be consistent with or complementary to the predominant building materials used in the overall development.
   3. Entryway features may be located in required landscaped areas, and may be included as part of the gross land acreage used in maximum development density/intensity, but should not be located within sight lines or sight triangles of streets and street intersections.

C. Connect to Existing Neighborhoods
   1. Promote the connection of new developments to adjacent uses and neighborhoods, via biking, walking or driving, to better integrate new projects into the existing community and to allow residents to circulate throughout the neighborhoods.
   2. The edges of a neighborhood should be formed by features shared with adjacent neighborhoods such as major streets, changes in street pattern, greenways or natural features such as streams and major drainage or riparian corridors.
   3. New streets, bikeways, paths and trails should connect to existing adjacent neighborhoods.

D. Pedestrian and Bike Connections
   1. Pedestrian and bike connections should be made to residential neighborhoods, retail centers and open space systems. Pedestrian, bike and visual connections should be made wherever auto connections are infeasible due to physical constraints or other considerations.
   2. A Merchant’s Association and/or Metropolitan District or a private owner should maintain any areas not subject to maintenance by Arapahoe County or a recreation district. The

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ownership/maintenance of such areas is specified and/or dedicated by recorded agreement and/ or on the Final Plats or Final Development Plan (FDP) if applicable.

3. Open areas are encouraged to be organized so as to create an integrated system that connects with the following types of lands located within or adjacent to the development dedicated park lands, dedicated school sites, other dedicated open spaces, portions of the regional trail and open space system, and activity centers.

4. Whenever possible, retention and detention ponds created to meet storm drainage requirements should be located, designed, and managed to serve as visual amenities, entryway features, or opportunities for passive recreation. However, such areas do not contribute to minimum open space requirements.

15-105.07 Circulation and Parking

Vehicle circulation systems should consider the needs of pedestrians and bicyclists, and avoid the creation of large, isolated tracts without routes for through-traffic or pedestrian connections.

A. Pedestrian Circulation

1. Pedestrian connectivity within commercial sites, between commercial sites, and from residential areas to commercial sites should be a high priority, with consideration given to all off-site generators of pedestrian movement, such as open spaces, schools, retail centers, bus stops, etc. Bikeways and pedestrian walkways should be separated and buffered from external and internal vehicle circulation within parking lots.

2. To facilitate convenient movement, and to minimize conflicts with vehicles, walkways should lead pedestrians from parking areas to building entrances. In some cases, a walkway from a perimeter sidewalk to a building entrance may be considered as an alternative.

3. Surface accent strips of brick or textured paving, to define pedestrian walkways, should be utilized. Other designs are acceptable, provided that they meet the intent of defining pedestrian walkways. Pedestrians should feel comfortable that they are in a clearly defined pathway to the building.

4. Pedestrian elements within a non-residential project should incorporate the thematic materials, colors, and design of the development. In addition to adequate sidewalk connections, the following elements would enhance the pedestrian orientation of the parcels:
   a) Pedestrian scale details should be incorporated to promote a sense of human scale. Special accent materials and design details can be incorporated into first floor facades and paving areas abutting pedestrian walkways.
   b) Site design features should include, but are not limited to: changes in paving patterns and materials at pedestrian building entrances and other significant pedestrian locations, special decorative wall patterns, textures, accent materials, or graphics, trim banks and reveals, special architectural features marking pedestrian entries, and display windows for commercial uses.
   c) Site furnishings such as benches, trash receptacles, kiosks, newspaper stands, etc, should be used and located, where appropriate, for pedestrian convenience. Site furnishings are encouraged to match the architectural theme of the development. However, site furnishings should not be located in areas that will impede pedestrian traffic.

5. Provisions for access for disabled persons must be incorporated into the overall pedestrian circulation system. The overall design shall be in compliance with the most current disability access laws, in particular the Americans with Disabilities Act (A.D.A).

B. Bicycle and Vehicle Parking

1. It is recommended that bicycle and vehicle parking be provided at appropriate locations within non-residential developments. Bicycle racks should be evenly distributed, and separated from vehicular drives and parking lots by a three-foot separation distance, a curb, or other physical barrier.

2. The quantity of required parking spaces shall be in accordance with the parking design standards contained in the Arapahoe County Land Development Code.
3. Safe vehicular circulation routes around the site should be provided, using landscaped islands, street buffers, and buildings to define drive aisles.

4. Non-residential parking areas should be buffered from adjacent residential properties. Suggested methods of buffering include building design, landscaping, and appropriate fencing.

5. Parking areas should be located to minimize negative visual impacts, particularly as viewed from adjacent roadways and from residential use areas. These visual impacts may be mitigated through berming, screening, landscaping, and other methods acceptable to the County.

6. Surface parking design should utilize shared access drives with adjacent, similarly zoned properties to reduce interference with pedestrians.

7. The number of curb cuts should be minimized and pedestrian access enhanced.

8. Textures, patterns, and colors are encouraged in the design of paved parking areas or entries (not within the ROW). Large monolithic areas of single-color untextured paving are discouraged. Colored and textured paving of project entry driveways, parking court entries, and internal driveways are encouraged, so as to soften the streetscape.

9. Large non-residential parking lots are encouraged to be functionally divided by internal circulation corridors, pathways, or aisles into several smaller lots to prevent random or high speed movements.

10. End of row parking islands should be used to delineate primary traffic aisles. Concrete or landscaped islands, in lieu of painted areas, should be provided in order to prevent vehicles from parking in such areas and thereby obstructing sight distances.

11. Parking and circulation aisles are recommended to be perpendicular to the entry faces of buildings to minimize conflicting movements by pedestrians and vehicles. Parking along the curb line adjacent to building fronts should be discouraged to provide for adequate pedestrian visibility.

12. The application of speed bumps and humps, to reduce internal travel speeds, is discouraged for new construction. Structures and circulation aisles should be configured to reduce speeds.

13. Site design should integrate parking structures as part of the overall site design.

14. Parking structure design should include appropriate aesthetic treatments and be compatible with the architecture of adjacent buildings. However, because of their size, parking structures often become a major visual element of the site. Parking structures should therefore be integrated with the architectural style, form and materials of the primary site structures. A convenient, clear, safe, and efficient internal circulation system within the parking structure, for both vehicular and pedestrian traffic, is encouraged. Parking structures should provide clarity, safety and be convenient for the user.

15-105.08 Noise
All reasonable efforts should be made to minimize the level of site-generated noise that crosses into adjacent properties. For example, remote outdoor ordering systems, used in conjunction with fast food restaurants and similar retail uses offering a drive through service, should be designed to direct the sound away from residential properties. Other noise-producing businesses, such as automotive repair facilities, are encouraged to be designed so that the entrance to the service bays and other areas where the noise is created are oriented away from residential properties. Auto dealerships are encouraged to use a paging system, rather than an external sound system.

15-105.09 Protection of Natural Features, Resources and Sensitive Areas
A. The protection of natural features, resources and sensitive areas can be accomplished by including such features in common landscaped areas or dedicated open spaces. Construction in these areas that should utilize techniques that are sensitive to the protection of these features.

B. If possible, the following features should be connected or integrated with similar amenities on adjacent lands:

1. Water features;
2. Parks and public and private open space areas on or adjacent to the site;
3. Historic or archeological sites, or areas that have been recognized by the Board of County Commissioners as important;
4. Significant views of the front range or of open space areas as viewed from dedicated public parks and open spaces, from freeways, or from arterial streets, where possible;
5. Riparian wildlife habitats, as identified by the Division of Wildlife;
6. Public protection from adjacent natural or geologic hazard areas or hazardous soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rockfalls, or expansive soils is recommended, with such features having an integrated protection system; and
7. Other natural features such as bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings, or wetlands.

15-105.10 Landscaping, Water and Plant Materials
A. Promote Water Conservation – In accordance with water conservation practices, irrigation shall be provided at strategic levels and locations, so that areas requiring high levels of irrigation, such as around shelters, playgrounds, entrances and playing fields are provided only where necessary. Natural areas shall be planted with grasses that adapt to soil conservation district recommendations.
B. Use of Xeric Principles and Plant Materials – The use of xeric plant materials is strongly encouraged. Xeric principles include:
   1. Minimize cool season turf areas;
   2. Reduce turf areas with mulched planting beds;
   3. Amend soils with organic matter;
   4. Zone plants by water, soil, and sun needs;
   5. Zone irrigation by plant water needs;
   6. Maintain landscape to reduce water usage by weeds and promote healthy plant growth.
   7. All landscape materials should have a habit of growth that is normal for the species and should be of sound health, vigorous growth, and free of insect pests, diseases, and injuries.

15-106 DEVELOPMENT DESIGN GUIDELINES – RESIDENTIAL

15-106.01 Cohesive, Well-Planned Development
A. Documentation – These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code. Adherence to these guidelines should be demonstrated and documented.
B. Diversity and Changing Needs – Arapahoe County promotes diverse types of housing, lot sizes and densities that are appropriate to meet the changing needs of the citizens of the County and assure options for residents of all income levels, including affordable housing. The County’s goal is to promote different sizes of lots as well as single/multi-family housing, and manufactured housing in Growth Areas.
C. Open Spaces and Connectivity:
   1. Goals of open spaces in residential areas include:
      a. Land dedication for parks, open space, buffers, trails, drainage, and other public uses are required to comply with the requirements of the Arapahoe County Land Development Code, as a part of the subdivision process.
      b. Preserve significant views and create view corridors and open space areas within the development;
      c. Provide trail corridors within the development and connecting trails between residential and commercial uses;
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d. Provide focal points, such as artwork and/or landscaping features, at key entrances to neighborhoods;

e. Preserve and allow for passive recreational uses along drainage channels;

f. Create opportunities for appropriate active recreation;

g. Provide buffers and open space between buildings and/or developments; and

h. Help provide sense of place within a development.

2. Open space areas are encouraged to be organized so as to create an integrated system that connects with the following types of lands located within or adjacent to the development, dedicated park lands, dedicated school sites, other dedicated open spaces, portions of the regional trail and open space system, and activity centers.

3. Each required residential open area should be adjacent to or visible from at least one dedicated public street or public site, and be accessible to all residents of the development. The majority of open areas are discouraged from being located in isolated corners of the development, in peripheral strips along the borders of the development, or in unconnected patterns.

4. The Homeowners’ Association and/or Metropolitan District should maintain any areas not subject to maintenance by Arapahoe County, a recreation district, or other entity. The ownership/maintenance of such areas is specified and/or dedicated on the Final Plat(s).

5. Retention ponds and detention ponds created to meet storm drainage requirements should be located, designed, and managed to serve as visual amenities, entryway features, or opportunities for passive recreation, whenever possible. However, such areas do not contribute to minimum open space requirements.

D. Entryway Design

1. It is recommended that the entryway features be located at one of a development’s primary street entries. The feature should be constructed to be consistent with or complimentary to the predominant building materials used in the overall development.

2. Entryway feature areas may be located in required landscaped areas, and may be included as part of the gross land acreage used in maximum development density/intensity calculations. Entry features may not be located within sight triangles and sight lines.

E. Building Height and Setbacks

1. Building heights and setbacks are established at the time of development application review.

2. Building heights should avoid the perception that individual buildings are out of scale with the size of their lots or with neighboring buildings, and should avoid unnecessary snow shadowing of neighboring buildings and public rights-of-way.

F. Transition – Developments are encouraged to display transitional elements when less-compatible uses are adjacent to one another.

15-106.02 Community Design Guidelines

A. Intent – Community design elements play an important role in a well-planned community. These design elements should be viewed as a whole package, where each element has a particular function. The developer needs to assess all the functions that should be accommodated within the public space areas of the community, and then provide the elements to allow those functions to occur in a safe and effective manner. By pre-planning the community design elements, a theme can be chosen and high quality elements and materials selected. Staying within a theme helps create an identifiable and cohesive community. These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code.

B. Site Amenities – Site amenities such as gazebos, shelters, arbors, kiosks, benches, tables, etc. are encouraged, especially within parks, open spaces, and along walkways. These amenities should be architecturally consistent with the style and character of the community’s architecture.
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C. Signage – All signage must, at a minimum, conform to the Arapahoe County Land Development Code. Community identity features and entry features should be simple, and compatible with the overall design of the community. A signage theme is encouraged.

D. Fencing

1. Different types of fencing should be provided to serve different functions. Types and functions of fences are often differentiated by the level of opacity and materials.

2. Residential wooden perimeter fences should be treated with a weather-resistant finish. In addition, all perimeter fences that face a public or private street should include at least one column for every 100 linear feet, and one column at every fence corner and dead end.

3. It is recommended that the columns be faced with brick, real or artificial stone, decorative iron, stucco or integrally colored concrete masonry units. Other appropriate improvements to a streetscape may be considered, in lieu of the column guideline such as wider and varying landscape tracts. Perimeter fencing should have staggers where possible to eliminate monotony of long, linear fencing. This guideline does not apply to fences in side and rear yards between single-family residences.

4. A common fence color, style, and material for each type of fence allowed will be reviewed at time of development plan application review.

E. Lighting – Lighting serves a variety of needs within a development. In addition to residential and commercial street lighting, special consideration needs to be given to pedestrian area lighting, signage lighting, monument lighting, commercial roadway lighting, and any other lighting necessary for the safety of the residents.

F. Mail Boxes – Where group mail boxes are required, such boxes should be located conveniently and safely within a community. Common mail box areas should be illuminated, with lighting compatible with the development’s fixtures as well as the lighting requirements of this Land Development Code. The design must conform to A.D.A. and post office requirements.

G. Street Furnishings – The following street furnishings can be used to provide functional, coordinated amenities throughout a development, which would complement the existing architectural and landscaping assets: seating, trash containers, planters, drinking fountains, directories, bike racks, retaining walls, and fences.

H. Entryway Designs – Entryway features should be located at one of a development’s primary street entries. A development’s thematic style should be incorporated into the entryway design feature.

15-106.03 Single-Family Detached Residential Development

The intent of these Guidelines is to provide a distinctive recognizable style of high-quality architectural character in residential developments that avoids featureless design and repetition of facades. Garage structures should not dominate the building design. The entrance to the home should be the primary element along the street frontage. Design elements which are encouraged to be incorporated into single-family detached dwelling units include:

A. General Site Planning

1. A non-repetitive front elevation design would prevent a monotonous streetscape from occurring. Varied architectural styles shall be encouraged, which incorporate a mixture of different footprints, materials, design, and color palettes. Architectural banding, through the use of a change in materials, design and/or color, can also relieve a monotonous design theme.

2. A minimum 4’ variation in the front setback of residences, within a residential development, will further prevent a monotonous ‘cookie cutter’ appearance.

3. Where provided, porch and deck columns and roofs should be integrated into the overall design of the house to which they are attached, and are recommended to be constructed of materials consistent with those found elsewhere on the house. Front or side porches add to the architectural ambiance of a neighborhood. Front entry gates and sidewalks leading to a side entry may be considered.

4. Porches raised above the sidewalk level are encouraged.
5. Side-use easements are desirable to maximize useable yard space.
6. Recessed front doors add an aesthetically pleasing design element to residential structures.
7. Creativity of building and subdivision design is strongly encouraged.

B. Garages/Parking
1. Minimize garage visibility from the street.
2. A minimum of a one-car garage is recommended for all single-family detached. The County strongly encourages alternative placement of the garage structures to reduce the dominance or front loaded designs. The objective is to have the house as the primary element along the street frontage, with emphasis on the entrance to the home. The garage placements may include but are not limited to: front loaded garage structures both attached and detached, rear loaded garage structures both attached and detached.
3. Garages should not obstruct the front entrance to the residence. Garages may be attached, detached, front-loaded, side-loaded, to the side of the residence, or to the rear (alley-loaded).
4. Detached garages should be faced with the same mix and percentage of materials as the primary structures.

C. Architectural Features
1. Roofs with eaves/overhangs, decorative brackets, beams, or exposed rafter ends are encouraged.
2. Decorative shutters, window dormers, bay windows, oversized decorative window heads or window sills that match the building are encouraged to be provided.
3. Walk-out basements.
4. Clay or concrete tile roofs or high-relief (shake appearance – shake roofs do not meet building codes).
5. Front doors with transom windows, side lights, or a double door.
6. Durable patterned paving.
7. The architectural character of the residence should be incorporated into any accessory structure’s design.

D. Lighting Design – Soft outdoor pedestrian-oriented lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is encouraged. Lighting should be designed to ensure the safety of the residents, while minimizing overflow onto the surrounding properties. Lighting should be shielded for glare.

E. Private Yards and Fencing
1. The builder and/or developer should provide front yard landscaping for all homes in small lot developments in accordance with the Arapahoe County Landscaping Regulations.
2. Front yard fencing, where it occurs, should be low (approximately 3 feet), open fencing (not chain-link) compatible with the home. A full stucco or brick wall may be used if part of the architectural theme.

F. Accessory Dwelling Units – Reserved

G. Small Lot Guidelines – These guidelines apply to those properties under 5,000 square feet as regulated by the Small Lot Criteria in the Land Development Code. These Guidelines are in addition to other design guidelines for single family development:
1. Wherever possible use open yards or split rail fencing to minimize side and rear yard privacy fencing;
2. Encourage side use easements to maximize useable yard area;
3. A minimum of 400 square foot of useable back yard is encouraged.
15-106.04 Single-Family Attached Residential Development

Design elements which are encouraged to be incorporated into single-family attached units include:

A. General Site Planning
   1. Breaks in long buildings are suggested, so as to provide for pedestrian circulation and access to alleys.
   2. Where attached garages are used, semi-private front yards and larger decks are encouraged.
   3. Staggered front setbacks.
   4. Creativity of design is greatly encouraged.

B. Architectural Features
   1. A front elevation with the first floor clad in stucco, stone or brick, or other architecturally compatible material.
   2. A non-repetitive front façade design can be developed by mixing different window treatments, such as: transom windows, bay windows, roof dormers containing windows.
   3. A front door containing at least one side light, or one transom window over the front door.
   4. Offsets are encouraged between two double garage doors on the same façade.

C. Private Yard and Fencing
   1. A fully landscaped yard and/or an outdoor private patio or deck.
   2. Where townhome designs do not provide private rear yards, a front patio, yard or balcony is recommended such as a 150 square foot patio and/or an eight foot by 10 foot balcony.

D. Building Entry Locations
   1. A unit designed so that the unit's garage door or doors and its "front entry" appear on different sides of a building. A front entry is defined as an entry into a living space.
   2. The facades of single-family attached townhouses should be articulated to differentiate individual units unless the units are designed to look like one large single family home.
   3. Alley-loaded designs.

E. Lighting Design
   1. Soft outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is encouraged.
   2. Lighting overflow to adjacent properties is regulated by the Land Development Code and should be minimized. In addition, all lighting should be shielded.

15-106.05 Multi-Family Residential Development

A proposed multi-family residential development should respect the scale of any adjacent residential buildings, and provide for an orderly transition to a different scale of development. These guidelines are intended to work in conjunction with the design standards and district-specific standards set elsewhere in this Code.

A. Creativity – Creativity of design is encouraged
B. Specific Guidelines – Design elements which are encouraged to be incorporated into the design of multi-family developments include:
   1. All multi-family buildings are encouraged to be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof plane surfaces are discouraged.
   2. Horizontal articulation through the use of decorative banding, a change of siding material and/or color, or sloping roof planes are preferred design features.
   3. So as to create variety to a three-story housing type, one and two story units or building elements can be introduced, especially at ends and corners. Garages and carports can also be sited at the ends of buildings to help minimize three story end conditions. This is to help mitigate impacts of multi-family developments when located adjacent to single-family detached and attached residences.
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4. Buildings should be oriented outward towards the street or parks to provide a residential character to the community’s streets and parks. Internal to the parcel, buildings should be oriented to create parking courts (areas for parking, carports, and garages), and usable areas of open space. This will also minimize the visual impacts of automobiles on the community experience. Facades with no entries, fenestration or articulation should not be visible from approach streets and property entry.

5. Building entries should be visible from the street and be clearly signed and lit.

6. Ground floor units are recommended to have articulated residential entries, which may be shared for multiple units.

7. On smaller multi-family buildings with less than 4 units, a design option would be to utilize massing and exterior materials to give each building the appearance of a large single-family home.

8. Building entries should be visible from the street and be clearly signed and lit.

9. On buildings where sloping roofs are the predominant roof type, distinct roof ridgelines are recommended. Hip and gable roofs are encouraged.

10. A building’s special architectural features and treatments should not be restricted to a single façade, and can be applied throughout the entire community. Massing can be simple, yet allow enough variation to create visual interest and a residential scale.

11. All elevations on multi-family buildings are recommended to contain windows.

12. Sensitivity to the proximity and buffering of garages adjacent to buildings is encouraged.

13. Residential buildings should be set back from parking courts to provide a sufficient transitional landscaping area. When possible, parking courts (area for parking, carports and garages) are preferred to a linear parking arrangement. When parking is organized into courts, the visual impact of parking on internal driveways and buildings is minimized.

14. To minimize exterior surface parking in multi-family developments, resident parking should be provided in garages, wherever possible.

15. Garage door elevations can be mixed with non-garage door elevations on the front façade, and the plane of each garage door is recommended to be offset from the plane of the garage door adjacent to it.

16. Outdoor balcony or patio areas are encouraged. It is advisable to orient these towards interior streets, walkways or parks.

17. When through wall heating, venting, or air conditioning units appear on exterior building walls, such units are encouraged to be covered by an architectural grille, and be designed in such a manner as to blend in with surrounding wall surfaces. Utilities should be designed to blend in with the architecture and landscaping.

18. Soft outdoor lighting at a human scale, in conformance with the lighting standards in the Arapahoe County Land Development Code, is required. Overflow lighting should be minimized, and all lighting should be shielded for glare.

19. All roof top mechanical equipment should be appropriately screened.

20. Trash receptacles, dumpsters, and recycling bins are encouraged to be located conveniently to residential units, yet thoroughly screened with walls/fences and/or landscaping buffer. Receptacles should be sited to avoid adverse visual, noise, and odor impacts to residential units or public spaces. A central compactor is a recommended amenity.

C. Amenities – The following amenity features are encouraged:

1. Recreational facility, such as a tennis court, picnic area, or volleyball court;
2. Swimming pool;
3. Paved plaza area with benches focusing on a water feature or work of art;
4. Resident clubhouse;
5. Adult recreational area;
6. Children’s play area, with benches and trash receptacles.
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15-107 GUIDELINES – TRANSPORTATION, DRAINAGE, OPEN SPACE

15-107.01 Open Space Design Guidelines – Reserved
15-107.02 Transportation and Drainage Design Guidelines – Reserved

SECTION 15-200 SUBDIVISION DESIGN PRINCIPLES AND STANDARDS

15-201 STREET DESIGN PRINCIPLES

15-201.01 Streets shall generally conform to the collector and major street plan adopted by the Planning Commission and County Commissioners and any amendments thereto.

15-201.02 If a tentative plan has been adopted by the Planning Commission to the neighborhood of the proposed subdivision, the street system of the latter shall conform in general thereto.

15-201.03 Streets shall be located with appropriate regard for topography, creeks, wooded areas, and other natural features that would enhance attractive development.

15-201.04 Existing streets, including preliminary platted streets, in adjoining territory shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless variations are approved by the Planning Commission.

15-201.05 Streets within subdivisions shall be designed as a system of circulation routes such that the use of local streets by through-traffic will be discouraged.

15-201.06 Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission shall require adequate provisions for reduction of noise. Parallel streets, landscaping, screening, easements, greater lot depth and increased rear yard setbacks, among others, are recommended solutions.

15-201.07 Streets shall intersect as nearly at right angles as possible.

15-201.08 When a tract is subdivided into larger than normal building lot(s) or parcel(s), such lot(s) or parcel(s) shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connectors for such resubdivision.

15-201.09 Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be prohibited.
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15-201.10
A cul-de-sac street shall be limited to a length of six hundred feet (600').

15-201.11
Where a street will eventually be extended beyond the plat but is temporarily dead-ended, an interim turn-around may be required.

15-201.12
Dedication of half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and provided that the Planning Commission finds it will be practical to obtain the dedications of the other half of the street right-of-way. Wherever a half-street dedication is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

15-201.13
A. No street names shall be used which will duplicate or be confused with the names of existing streets.
   B. All street naming shall be in accordance with the Street Naming Policy of Arapahoe County.

15-201.14
Major arterial streets shall not be intersected by local streets.

15-201.15
Major arterial street intersections with arterial streets or collector streets should normally be located at no closer than approximately one-quarter (1/4) mile intervals.

15-201.16
Whenever a subdivision is not served by sufficient regional infrastructure, facilities, networks or systems (hereafter "regional improvements"), the Board of County Commissioners may restrict or postpone approval of the subdivision and the issuance of any new building permits until the needs are met. The restrictions may consist of any action or combination of actions which, in the discretion of the Board of County Commissioners, sufficiently provide for construction of the particular regional improvements before the impacts of the subdivision create or unduly exacerbate the need for the particular regional improvements. The Board of County Commissioners may also remove these restrictions upon the agreement of a district or other responsible party to construct the needed regional improvements, on a construction schedule and funding proposal deemed sound and adequate by the Board. The restrictions may include postponement of approval of subdivision plats not yet approved, or the imposition of conditions upon approval of the subdivision, or restrictions or limitations on the issuance of building permits or certificates of occupancy, or the assessment of fees and charges as needed to equitably provide for the cost of the regional improvements, or required pro-rata contributions toward the cost of the regional improvements prior to approval or permit issuance, or any combination of the above, calculated based upon the benefit to the subdivision and the need created or exacerbated by the subdivision. The Board of County Commissioners may also impose such restrictions upon the issuance of building permits or certificates of occupancy for lots in subdivisions approved without conditions or requirements related to the particular regional improvements, in accordance with the County’s Building Permit Referral Policy.

15-201.17
An improvement, facility, network or system is considered “regional” in nature for the purposes of Paragraph 15-201.16 above, if it exists, is planned or is designed, primarily to benefit or to serve more than a single subdivision or development, and if the service area of the particular regional
improvement includes the future residents of the proposed subdivision. Examples of regional improvements include, but are not limited to: traffic signals, major intersection improvements, utilities, arterial road infrastructure and related facilities, road infrastructure serving public facilities (such as schools, parks, libraries, and government offices), bridges, parks, schools, libraries and public transportation facilities.

15-201.18
Pursuant to CRS Article 28 of Title 30, as amended, all subdivisions must be so established that all lots and parcels conform to the State Highway Access Code (Article 2 of Title 43).

15-202 SUBDIVISION, STREET DESIGN, AND CONSTRUCTION STANDARDS

15-202.01
A. All public streets in residential subdivisions classified as an R-2, R-3, R3-S, R-4, R-5, R-P, R-M, R-D, R-PSF, R-PM, R-PH or MU-PUD zone as set forth in the Arapahoe County Land Development Code, shall be complete with curb, gutter sidewalk and pavement. These public streets shall be designed and constructed according to criteria and standards set forth in the Arapahoe County Infrastructure Design and Construction Standards.
B. All private streets shall be constructed to meet or exceed minimum roadway and parking requirements as found in the Arapahoe County Infrastructure Design and Construction Standards.
C. Any parking restrictions shall be detailed on the applicable development plans or plats.

15-202.02
A. All public streets in subdivisions which are classified as A-E, A-1, A-2, R-1, R-E, or R-A by the Arapahoe County Land Development Code and Zoning Map shall be constructed in conformance with the Arapahoe County Infrastructure Design and Construction Standards for the rural road cross-sections.
B. All private streets shall be constructed to meet or exceed minimum roadway and parking requirements as found in the Arapahoe County Infrastructure Design and Construction Standards.

15-202.03
No new subdivisions shall be approved with gravel streets. The pavement design and construction of all streets, whether publicly or privately owned and maintained, shall be in accordance with criteria contained in the Arapahoe County Infrastructure Design and Construction Standards.

15-202.04
More stringent requirements due to design variations may be imposed by the PWD Engineering Services Division based on recommendations by the Planning Commission or PWD.

15-202.05
All streets abutting a subdivision shall be complete with curb, gutters, sidewalks, and pavements which shall be designed and constructed in accordance with the Arapahoe County Infrastructure Design and Construction Standards. The subdivider shall pay for the improvement costs for a street width of twenty-six (26) feet for the street abutting the subdivision in bringing that street to current standards for its classification as adopted in the current Arapahoe County Comprehensive Plan. This is applicable only to streets abutting the proposed development. The subdivider shall also be responsible for offsite roadway improvements identified by the approved traffic impact study as being required or recommended to mitigate traffic impacts of the proposed development. The Board of
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County Commissioners will decide on the extent of offsite improvements appropriate for any subdivision application.

15-202.06
Traffic control devices which are required under the Manual on Uniform Traffic Control Devices as published by the U.S. Department of Transportation, Federal Highway Administration, will be installed by the County at the developer’s expense. The County PWD Department will determine the needs and they will be listed along with their cost in the Subdivision Improvement Agreement. Prior to probationary street acceptance, all traffic control devices listed in the Subdivision Improvement Agreement will be paid for and/or installed. The County will furnish and install traffic signs according to the cost schedule published by the PWD Department.

15-202.07
Subdivision Monumentation - Benchmarks, boundary monuments and range points shall be provided in accordance with Chapter 14 of this Land Development Code.

15-202.08
Vertical control shall be established according to Chapter 14 of this Land Development Code.

15-202.09
Street plan and profile requirements are given in Chapter 3 and in Chapter 4 of the Arapahoe County Infrastructure Design and Construction Standards.

15-202.10
General Construction Requirements
A. Construction of streets and appurtenant improvements shall be in accordance with the Arapahoe County Infrastructure Design and Construction Standards.

B. It is the policy of Arapahoe County to not allow street cuts for utility installations for a period of two years after streets have been newly paved or newly constructed. Specific requirements may be found in Chapters 8 through 10 of the Arapahoe County Infrastructure Design and Construction Standards.

C. For unusual or emergency circumstances, subdivider or developers who wish to arrange for utility installations that are contrary to this policy shall submit a variance request in accordance with procedures established by the PWD Engineering Services Division.

D. The location of curb cuts shall be determined by the approved Final Development Plan (for P.U.D.’s), for all other properties the location of curb cuts shall be by an access permit granted by the PWD Engineering Services Division.

E. Before opening newly constructed roadways for public use, all striping, signs, and barricades depicted on the approved signing and striping plan must be in place. Explicit approval from the PWD Department must be obtained prior to opening new roadways for public use.

F. Subdivider shall dispose of trash and debris resulting from construction of the site in a manner approved by the regulating authority.

15-202.11
All on-site water systems within a subdivision must meet the standards of the Tri-County Health Department.
15-202.12
All sanitary sewer systems within a subdivision must meet the standards of the Tri-County Health Department.

15-203 ALLEYS

15-203.01
Alleyways shall be a minimum of 20 feet in width with paving of not less than sixteen (16) feet in width including drainage pans.
   A. Except where justified by special conditions, alleys will not be publicly maintained by Arapahoe County and shall be categorized as a private road.
   B. Enforcement of no parking on private alleyways shall be the responsibility of the owner/subdivider/HOA. Development plans including alleys will include notes to this effect.
   C. When an alleyway is used for emergency access, compliance with all applicable fire district and PWD engineering standards shall apply. Approval from the applicable fire district shall be required prior to finalization of a project.

15-203.02
Sharp changes in alignment of alleyways shall be accommodated through adequately sized curb returns, turning radii for vehicles and site distance triangles.

15-203.03
Dead-end alleys are allowed depending upon alleyway length, width and the turn-around ability as determined by the applicable fire district and PWD engineering requirements.

15-203.04
A. Alleyway landscaping shall be consistent with the rest of the development with landscaping strips on both sides of the alley for property outside the paved surface. The landscaping shall be installed by the developer or builder and maintained by the HOA to ensure consistency through the development.
   B. All fencing along the alleys is required to be consistent in terms of material and design.
   C. Sight triangles shall be provided on all alleyways.

15-204 LOTS

15-204.01
The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The lot shall provide an adequate buildable area for the development contemplated.

15-204.02
Lots should front only on local streets; however, when necessary, lots designed to face a collector street shall provide adequate means for automobile turnaround within the lot.

15-204.03
Side lot lines should be approximately at right angles or radial to street lines.
15-204.04
Lots may not be required for subdivision of commercial and industrial use, but when provided should be of appropriate size and arrangements to provide for adequate off-street parking and loading facilities based on the intended use, and no individual parcel shall be created for a particular commercial or industrial use that has an area, width, or depth that is less than is required for the permitted use under the applicable provisions.

15-204.05
Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from major streets or to overcome specific disadvantages of topography and orientation. A planting and screening easement of at least ten (10) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting and screening easement. The Planning Commission may require a permanent ornamental fence of a height and architectural design that will appropriately screen and be harmonious with the neighborhood and residential character.

15-204.06
The building area of lots should not face directly into the oncoming traffic of an intersecting street of a “T” intersection.

15-205 BLOCKS
15-205.01
The length, width, and shape of blocks shall be determined with the regard for the following:
A. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
B. Zoning requirements as to lot sizes and dimensions.
C. Needs for convenient access, circulation, control, and safety of street traffic.
D. Limitations and opportunities of topography.

15-205.02
Blocks for residential use shall not be longer than one quarter (1/4) mile, measured along the centerline of the block, unless approved by the Board of County Commissioners.

15-205.03
Blocks should be of sufficient width to allow two (2) tiers of lots of appropriate depth.

15-205.04
Blocks for business or industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

15-205.05
Irregular shaped blocks, indented by cul-de-sacs, containing interior parks or playgrounds and adequate parking space, will be acceptable when properly designed and covered by agreement as to maintenance of such park areas.

15-206 EASEMENTS
15-206.01
Whenever a block exceeds six hundred (600) feet in length, the Planning Commission may require a dedicated easement not less than ten (10) feet in width to provide pedestrian access across the block.
15-206.02 Electric, telephone, and CATV lines shall be placed underground, except for major transmission lines of a public utility.

15-206.03 Easements for “cross-access” through and between platted lots of a non-residential subdivision shall be required in order to minimize the proliferation of curb cuts along collector and/or arterial streets.

15-207 PLANNED UNIT DEVELOPMENT

15-207.01 Whenever a subdivision is developed as a Planned Unit Development, and meets the standards and criteria established by the Land Development Code of Arapahoe County, Colorado, for a Planned Unit Development, the Planning Commission and Board of County Commissioners may vary the requirements of this Resolution.

15-207.02 In no case will development be allowed or building permits issued until a Planned Unit Development Plan is approved by the Board of County Commissioners where required.

SECTION 15-300 IMPROVEMENT REQUIREMENTS

15-301 GENERAL PROVISIONS
Prior to approval of the Final Plat, the Board of County Commissioners will require one or a combination of the following:

A. An Improvement Agreement agreeing to construct any required public improvements shown in the Final Plat documents, together with collateral which is sufficient, in the judgment of the Board, to make reasonable provision for the completion of said improvements in accordance with design and time specifications, or

B. Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the Final Plat documents which, in the judgment of the Board, will make reasonable provision for completion of said improvements in accordance with design and time specifications.

15-302 IMPROVEMENTS
As improvements are completed, the subdivider may apply to the Board of County Commissioners for a release of part or all of the collateral deposited with said Board. Upon inspection and approval, the Board shall release said collateral. If the Board determines that any of such improvements are not constructed in substantial compliance with the Regulations, it shall furnish the subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such substantial compliance. If the Board determines that the subdivider will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvement or improvements in accordance with the specifications.
15-303 TIME SCHEDULE FOR CONSTRUCTING PUBLIC IMPROVEMENTS

Public improvements must be completed within the time frame designated in the approved Improvement Agreement. In the event that such installation is not completed within the time frame set forth in the Improvement Agreement, the subdivider must provide conclusive evidence that an extension of time is in the public interest. In the event that such installations are not made, the Board of County Commissioners may withdraw adequate funds from the subdivider’s financial collateral to install the public improvements.

15-304 PERMITTING, INSPECTION, TESTING, AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

A. Permitting requirements for public improvements construction are delineated in the Arapahoe County Infrastructure Design and Construction Standards. These include requirements for construction permits and street cut permits.

B. Inspection and testing requirements for public improvements construction are delineated in the Arapahoe County Infrastructure Design and Construction Standards.

C. Acceptance procedures for transferring maintenance responsibility from the subdivider/developer to Arapahoe County are delineated in the Arapahoe County Infrastructure Design and Construction Standards.

15-305 OPTIONAL REVIEW AND APPROVAL SCHEDULES FOR PUBLIC IMPROVEMENT FINAL CONSTRUCTION PLANS

Because circumstances and priorities vary significantly from one subdivision application to another, three options are available to a subdivider for PWD approval of final construction plans for public improvements:

15-305.01 STANDARD APPROVAL PROCESS

The construction plans submitted with the final plat represent a preliminary design of public improvements. These documents are reviewed primarily to establish the scope of the Improvement Agreement and to support the cost estimate and collateral for the agreement. Final construction plans for the public improvements are submitted after Board approval of the Final Plat, i.e. after right-of-way dedication to the County. PWD reviews the plans. When the final construction plans comply with all engineering provisions set forth by the PWD Department, the PWD Director approves them. The subdivider may then apply for construction permits to build the improvements. This option normally results in construction plan approval from 4-8 weeks after the Board of County Commissioners’ approval of the plat.

15-305.02 CONCURRENT APPROVAL OF FINAL CONSTRUCTION PLANS WITH FINAL PLAT APPROVAL

For circumstances in which the subdivider desires to start public improvements construction immediately following Board of County Commissioners’ approval of the Final Plat, the following process should be followed:

A. At the first resubmittal of construction plans following the Planning Commission hearing that recommends the proposed subdivision favorably, the applicant should submit a letter indicating his goal of concurrent plat and final construction plan approval.

B. Final construction plans submitted at this time must meet the requirements of the Arapahoe County Infrastructure Design and Construction Standards for completeness
of design and material requirements detail. The corresponding Phase III Drainage Report must be in full accord with the County’s Stormwater Management Manual.

C. Final construction plans submitted must be accompanied by the appropriate application form and review and approval fee.

D. Engineering review will proceed as if right-of-way dedications were complete. When the final construction plans meet all the requirements of the Arapahoe County Infrastructure Design and Construction Standards, the applicant will be notified. If this condition is reached prior to the Board of County Commissioners’ Final Plat hearing, the approval of plans (signing by the PWD Director) will be deferred until the Final Plat is approved by the Board of County Commissioners. If this condition is reached after Board of County Commissioners approves the plat, the plans will be signed at the next scheduled review committee meeting by the PWD Director.

E. NOTE: The applicant’s letter requesting final construction plan approval through the expedited process guarantees only that detailed review by staff will start before Board of County Commissioners approval of the plat. No warranty is given that construction plan approval will be concurrent with Final Plat approval by the Board of County Commissioners.

15-305.03 APPROVAL OF PUBLIC IMPROVEMENT FINAL CONSTRUCTION PLANS PRIOR TO FINAL PLAT APPROVAL
For circumstances in which subdivider’s desire to construct public improvements at the subdivider’s own risk prior to the Board of County Commissioners’ approval of the Final Plat, several conditions must be met:

A. The land developer initiates the process by submitting a letter stating the desired objective of starting construction of public improvements prior to plat approval. This letter should be submitted to the Director, Department of Public Works and Development, explaining the circumstances and justification for this request.

B. Final construction plans prepared in accordance with the Arapahoe County Infrastructure Design and Construction Standards and the Phase III Drainage Report must be submitted at least eight weeks prior to the expected construction start date. This submittal must be accompanied by the appropriate application form and review/approval fee.

15-305.03.03

A. The applicant must provide the County a deed or other legal conveyance, granting to the County title to the land which is to become roadway right-of-way. The Board of County Commissioners must accept title to the land, or reach another equivalent agreement acceptable to the County Attorney, before the PWD Director may approve public improvement construction plans on unplatted land.

B. This process is not typically used. It is recommended that land developers wishing to build public improvements prior to Final Plat approval schedule pre-submittal meetings with the County Attorney’s office and the PWD Director’s office.

C. Any final construction plan approvals granted through this process are subject to subsequent revision during the subdivision process. The land developer assumes this risk when constructing prior to subdividing. The County does not imply, assert, or guarantee to the applicant that revisions, additions or deletions of certain public improvements may be required when the land served by the public improvements is eventually subdivided.
SECTION 15-400 RURAL SITE DEVELOPMENT STANDARDS AND GUIDELINES

15-401: INTRODUCTION
This portion of Chapter 15 of the Arapahoe County Land Development Code contains development standards and guidelines that apply to the Eastern Communities Planning Areas, Rural Town Centers and Rural Areas of Arapahoe County.

In addition to compliance with the standards and guidelines stated in this chapter, all land uses are subject to compliance with the zone district specific standards, use-specific regulations, applicable subdivision, and other applicable land-use regulations in the Land Development Code.

15-402: EASTERN COMMUNITIES AND RURAL TOWN CENTERS DESIGN STANDARDS & GUIDELINES

15-402.01 Intent
This section’s standards and guidelines for the unincorporated Eastern Communities Planning Areas seek to enhance and improve the Sub-Area Planning Areas and Rural Town Center’s commercial areas and to encourage new development compatible with and respectful of the existing building scale, existing and historic architecture and form, and “small town” character of these communities.

15-402.02 Applicability
This section’s general design standards and guidelines shall apply to all new development within the unincorporated Eastern Communities Planning Areas and Rural Town Centers of Strasburg and Byers.

A. Conflicting Provisions
In case of conflict between a specific Eastern Communities Planning Areas and Rural Town Center’s design standard and a general community design or general site and building design standard, the more specific Eastern Communities Planning Areas and Rural Town Center’s design standard shall control.

15-402.03 General Design Standards and Guidelines for the Eastern Communities Planning Areas and Rural Town Centers

A. Streets and Connectivity
All new development in the Eastern Communities Planning Areas and Rural Town Centers shall comply with the following standards:

1. Maintain Traditional Grid System and Connectivity

The alignment of the existing street grid system shall be maintained to the maximum extent feasible. New blocks, lots, and streets shall be organized and aligned to connect new through streets and alleys with adjoining, existing streets and alleys. The County recognizes that street connections may not be feasible where a railroad right-of-way intervenes; however, streets on either side of a railroad track should be aligned to the maximum extent feasible to accommodate future potential railroad crossings or the decommissioning of a line or spur. The current Arapahoe County Transportation Plan should be consulted regarding additional guidance and/or requirements for streets and rights-of-ways.

B. Building Form, Materials, and Architectural Style
All new development in the Eastern Communities should comply with the following standards:
1. Maintain Pattern of Traditional Building Forms: New buildings should maintain and reinforce the pattern of traditional building forms and shapes along the street, including established front setback lines on the same block face. Techniques to comply with this standard include: (a) place the new building at a setback line no greater than the average setback on the same block face; or (b) place the building at a setback line no less and no more than the existing setback lines established on the lots immediately abutting the subject lot.

2. Rectangular Buildings: Buildings should be generally rectangular in form.

3. Roof Form: Roof form should be compatible with existing and traditional commercial and residential buildings on the same or adjacent blocks, as applicable.

4. Building Materials: Building materials used for all major exterior surfaces should be similar to those employed historically in the Eastern Communities Planning Areas and surrounding neighborhoods. If dissimilar materials are proposed, other characteristics, such as scale and proportions, form, architectural detailing, color and texture, should be used to ensure that enough similarity exists for the new building to be compatible with existing buildings despite the difference in materials.

5. Architectural Style: Buildings’ architectural style, including franchise commercial building design, shall be compatible with commercial building design and ornamentation found traditionally in the Eastern Communities Planning Areas.

15-402.04 Rural Town Center “Main Street” Design Standards and Guidelines

A. Intent
These standards and guidelines require new development to respect the Eastern Communities’ existing “small town” character. Along the Rural Town Center main streets, this character is primarily defined by the following site and building design features: Building fronts and principal entries oriented toward the main street; principal buildings built up to the front property line (i.e., little or no front building setbacks); a high percentage of building lot coverage; no off-street parking spaces between the building front and the abutting main street; typical building heights of one-story and maximum building heights of two stories; larger ground floor display windows; recessed front door entries; covered porches, porticos or arcades; buildings primarily of wood frame construction; and simple and functional building and roof design with little ornamentation.

B. Applicability
These “main street” design standards and guidelines shall apply to all new development within the Rural Town Center portions of Strasburg and Byers and located on the following street segments:

1. Strasburg
   a. Colfax Avenue between Piggott Mile Road and Monroe Street;

2. Byers
   a. Front Street between McDonnell Street and Jewell Street; and
   b. Main Street between U.S. Highway 36 and West Bijou Street and
   c. U.S. Highway 36 between Fetzer Street and Main Street.

C. Commercial Alleys Allowed Standard:
Commercial alleys are allowed to permit secondary vehicle access and to allow access to off-street parking located behind buildings. Alleys are especially encouraged when used to
maintain the alignment of existing rear or mid-block alleys in adjoining blocks. All commercial alleys shall comply with the following design standards:

1. All commercial alleys shall be designated as private streets on the applicable subdivision plat or site development plan and shall be placed in a tract of common ownership. Arapahoe County shall not be responsible for maintenance of such alleys. The tract owner must demonstrate that perpetual maintenance of the private roadway can be provided for by implementation of a viable maintenance plan. Maintenance plan requirements can be found within the “Arapahoe County Infrastructure Design and Construction Standards” manual.

2. Parking shall not be allowed in the commercial alley ROW. All alleys shall have appropriate signage referring to the parking prohibition, and the property owner or subdivider shall be responsible for enforcement of the parking prohibition.

3. All new principal and accessory buildings shall be set back a minimum of six (6) feet from the edge of the alley right-of-way. This alley setback area shall either be landscaped according to County standards or paved when necessary to provide vehicular access to the subject property.

D. Vehicle Access and Off-Street Parking

1. Curb Cuts
   **Guideline:** The County encourages the consolidation of existing curb cuts on Colfax Avenue or Main Street in Strasburg, or on Front Street or Main Street in Byers, as well as the sharing of vehicle access ways wherever possible.

2. Location of Off-Street Parking Lots
   **Standard:** Off-street accessory surface parking spaces shall be located to the side, to the rear, or adjacent to a building face that does not front a public street.

3. Diagonal On-Street Parking Spaces
   **Standard and Guideline:** Diagonal on-street parking spaces (45-degree or greater angled spaces for head-in parking only) may be provided along the public street frontage of any development parcel, but only if diagonal parking is the traditional, established pattern along the same or adjacent block faces. For purposes of this provision, an “adjacent block face” must be on the same side of the street as the subject property. Note: Colfax Avenue in Strasburg is a state highway – subject to their regulations.

4. Bicycle Parking
   **Guideline:** Bicycle parking is encouraged where appropriate, as long as it does not interfere with pedestrian or vehicular traffic.

E. Site and Building Design

1. Building Orientation and Entrances
   a. **Standard:** The front façade of all principal buildings shall be oriented toward a public street frontage and shall not face parking lots or alleys. The building’s primary entry shall parallel the street, except at corners, where the entry may be angled to emphasize the corner location.
   b. **Guideline:** Secondary building entrances may face a rear parking lot, alley, or other streets with sidewalks or walkways.
   c. **Standard:** All primary building entrances shall be emphasized at the street through incorporation of a building recess, projection, canopy, or similar design element.

2. Minimum % Principal Building Occupying Front Lot Line
   a. Buildings Fronting “Main Street”
Chapter 15: Design Principles

Standard: A minimum of eighty (80) percent of the front lot line along Colfax Avenue or Main Street in Strasburg, or along Front Street or Main Street in Byers, shall be occupied by the front wall of the principal building, or by a low, decorative wall used to screen off-street parking lots, or by a combination of both types of wall.

b. Buildings on Corner Lots

Standard: Buildings on corner lots shall comply with the minimum standards stated in subsection (a) along the front lot line abutting the “main street.” A minimum of sixty (60) percent of the side lot line shall be occupied by the side wall of the principal building, or by a low, decorative wall used to screen off-street parking lots, or by a combination of both types of wall.

3. Large Building Review and Standards

Standard: The County should approve a building subject to these design standards and containing 10,000 square feet or more gross floor area subject to the applicant’s compliance with all of the following design standards:

a. The building mass shall be articulated or subdivided vertically into multiple “modules” to mimic the traditional widths and proportions of individual storefronts and stand-alone commercial buildings found in the Eastern Communities. Techniques to accomplish this design objective include changes in façade material, window design, façade height, or decorative elements.

b. Large buildings taller than twenty (20) feet shall be designed so that the massing or façade articulation of the building presents a clear base, middle, and top.

c. Pedestrian scaled building or site elements shall be included on or at the ground floor of the building, such as but not limited to: awnings, arcades, transparent display windows, outdoor eating/service areas, or street furniture.

F. Outside Uses and Activities

Standard: All principal uses shall be conducted and contained within a completely enclosed structure. Permanent outside storage, display, or sale is prohibited along the Eastern Communities’ main streets, except for outside seating and eating areas accessory to a permitted eating and drinking establishment. In addition, seasonal outside displays and sales may be permitted.

G. Signs for Nonresidential Uses

Standards: The following sign standards for nonresidential uses shall apply in addition to the general sign standards stated in Chapter 8. In case of a conflict, the specific sign standards in this section shall apply and control.

1. General Design Objective

Wherever they are used, signs shall be subordinate to the overall character of the area and subordinate to the individual building(s) to which they relate. Historically, commercial signs were often mounted flush on storefronts or projected over the sidewalk. These sign standards are intended to encourage sign types, sizes, and lighting compatible with this earlier tradition of signage.

2. Types of On-Premises Signs Allowed

The following types of on-premises signs are allowed:

a. Fascia signs mounted flush and flat to the building’s front elevation in the space above the first floor (top of storefront) and the second finish floor.

b. Monument signs that are free-standing, ground-mounted signs
Chapter 15: Design Principles

c. Projecting signs, including symbol signs, mounted on the front building elevation along the first floor level of the building near the primary entrance.
d. Awning signs, including logos or symbols.

3. Prohibited Signs
   a. Roof-mounted Signs.
   b. Off-premises signs.
   c. Billboards.
   d. Pole signs.

4. General Design Standards and Guidelines
   a. Sign Materials
      Sign materials should be similar to those used historically in the Eastern Communities’ commercial centers. Painted wood and metal are appropriate materials, while plastic and highly reflective materials are not appropriate.
   b. Illumination
      (1) If illuminated, the sign shall use an external light source that is placed close to and directed onto the sign, and that is shielded to minimize glare into the street or onto adjacent properties.
   c. Fascia (Wall-Mounted) Signs
      (1) The size and placement of fascia (wall-mounted) signs should be proportional to the building’s architectural elements and should not visually overwhelm or overpower the building. Fascia signs should be positioned to fit within the building’s architectural features.
      (2) Fascia signs shall not extend beyond the outer edges of the building front.
   d. Projecting Signs
      (1) Projecting signs shall be mounted at a height no less than 8 feet above the sidewalk so that the sign does not interfere with pedestrian movement.
      (2) The maximum size of an individual projecting sign shall be 8 square feet. The sign shall not project further than two-thirds (2/3) the width of the abutting sidewalk, or 6 feet, whichever is less.
   e. Ground-Mounted (Monument) Signs
      (1) Monument signs shall be landscaped at their base.
      (2) Monument signs shall be no taller than 6 feet.
   f. Window Signs
      (1) Window signs should be painted on glass. The wording and graphics should be simple and concise to enhance the sign’s legibility.
      (2) The maximum area of a window sign(s) shall be 20% of the window or 8 square feet, whichever is less.

15-403: RURAL AREA DESIGN STANDARDS AND GUIDELINES

15-403.01 Intent
This section’s standards and guidelines are intended generally to implement the Rural Area policies of the Arapahoe County Comprehensive Plan, and more specifically to protect the open character of eastern Arapahoe County; encourage continued use of these lands for ranching and agricultural
activities; conserve Sensitive Development Areas, such as riparian areas, ridgelines, historic sites, and wildlife habitat and corridors; minimize extension of roads and utilities for development and reduce the County’s cost of providing services; and promote compatibility of new development with existing and allowed adjacent land uses.

15-403.02 Applicability
These Rural Area Design Standards and Guidelines apply to all new development located in the Rural Area of unincorporated Arapahoe County, as defined in Arapahoe County Comprehensive Plan (2001).

15-403.03 Protection of Sensitive Development Areas
All new development in the Rural Area shall comply with the Sensitive Development Area protection guidelines in the Arapahoe County Comprehensive Plan or to applicable state or federal regulations.

15-403.04 Protection of Agricultural Uses

A. Residential Setbacks from Existing Agricultural Uses
All new residential development in the Rural Area, zoned A-E and A-1, shall comply with the following minimum building setbacks from existing agricultural uses and structures located on adjacent lots, parcels, or tracts:

<table>
<thead>
<tr>
<th>Minimum Residential Building and Structure Setback (Applies to Both Principal and Accessory Structures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>From existing pasture, cropland, orchards</td>
</tr>
<tr>
<td>From existing barns and livestock buildings, corrals, and pens</td>
</tr>
</tbody>
</table>

B. New Agricultural Use Setbacks from Existing Residential
No livestock pens, fenced corrals, or buildings for keeping livestock shall be located closer than 100 feet from dwellings existing on adjacent lots or parcels of lands.

C. Measurement
The setbacks required by this subsection shall be measured from the closest exterior wall of the principal residential dwelling to the closest boundary, edge, or fence/wall of the subject agricultural use or structure. Alternately, the setback may be measured from the closest edge of a designated building envelope for the proposed residential dwelling to the closest boundary of boundary, edge, or fence/wall of the subject agricultural use or structure.

D. Fencing

1. Strictest Fence Standard Applies
In case of overlapping or conflicting fence standards between this section and the Land Development Code, the strictest fence standard shall apply.

2. General Rural Area Fence Standards
a. Fencing should be avoided except as needed for wildlife corridors, domestic animal control, fencing out livestock or livestock containment.

b. When fencing is proposed, it shall conform to the topography and shall be of a color and materials that blend with the surrounding natural environment.
(1). For general fencing purposes, the County strongly encourages fence types typical of the agricultural fences historically used in the Rural Area, including 2-, 3-, or 4-strand wire fences; post and pole fences; post, pole and wire fences; and buck and pole fences.

(2) Wire mesh (e.g., chain link) and picket-style open fences are generally discouraged.

3. Property Line Fencing Adjacent to Sensitive Development Areas and Conservation Areas

a. To the extent that it is possible, property lines adjacent to a Sensitive Development Area or to a Conservation Area should remain unfenced to preserve the open character of the Rural Area.

4. Residential Privacy Fencing

Privacy fencing and other solid and restricted access fencing shall be restricted to the immediate area surrounding the principal residential structure and shall not be used as a method to designate the outer boundaries of the property. Where building envelopes are designated on an approved subdivision plat, privacy fencing is permitted only within the building envelope.

5. Fencing In Wildlife Habitat

a. Fencing in a critical wildlife habitat area as defined by Colorado State Division of Wildlife shall not exceed 42 inches in height, except to the extent that staff approves higher fencing to confine permitted domestic animals.

b. Fence types and elements are encouraged to comply with the Colorado Division of Parks and Wildlife’s (CPW) fencing recommendations. If CPW does not recommended specific fence standards during its review, the applicant is encouraged to incorporate the fencing guidelines and standards recommended for the applicable species in the Division’s manual, Fencing with Wildlife in Mind, as amended from time to time.

6. Fencing Adjacent To Agricultural Uses

a. Site-Specific Design:

Fences may be constructed to separate new residential development from adjoining agricultural lands and uses. Fences shall be designed on a site-specific basis to minimize impacts to ongoing agricultural operations. All fence wire on barbed wire and combination fences shall be placed on the side of the fence that faces the livestock.

15-404: NEW COMMUNITIES DESIGN STANDARDS AND GUIDELINES

15-404.01 Intent

This section is intended to provide flexibility for design standards and guidelines for new communities, as defined by the “Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations)”.

15-404.02 Applicability

These New Communities Design Standards and Guidelines apply to all New Communities’ development, that does not intend to follow the design standards and guidelines contained in this section and that are located in the Planning Reserve Areas of unincorporated Arapahoe County, as defined in Arapahoe County Comprehensive Plan.
15-404.03  Design Standards and Guidelines for New Communities
New communities that are developed in the Planning Reserve Areas of unincorporated Arapahoe County have two choices related to design standards and guidelines.

- Comply with Eastern Communities Planning Areas, Rural Town Center, and Rural Area design standards and guidelines in this section.

- Create design standards and guidelines for the new community that incorporate conceptual design standards and guidelines that are contained in this chapter. The proposed standards and guidelines would need to be approved as part of the 1041 Permit by the Board of County Commissioners.
CHAPTER 16  STANDARD NOTES

Section 16-100  STANDARD NOTES, SPECIFIC
NOTES, DEDICATIONS AND
CERTIFICATIONS

16-101  INTENT
The following notes, dedication and certifications are used for documents described within the body of these regulations. Each application requires certain notes from the following list. Each section defines when the specific note is required. The text of each note shall be duplicated as written, unless PWD staff authorizes alterations during the project review process. The County Attorney must approve any modifications to the text of any notes. Any notes on a plan or plat not included in this section shall be removed unless approved by the County Attorney. Each application requires notes as provided in the following Sections of this Chapter of the Land Development Code.

16-102  STANDARD NOTES
The following language should be included when applicable:

16-102.01 STANDARD NOTES
(Use with: all plans requiring standard notes)

THE OWNER(S), DEVELOPER(S) AND/OR SUBDIVIDERS(S) OF THE _ (Type Of Plan) _ KNOWN AS _ (Project/Subdivision Name)_, THEIR RESPECTIVE SUCCESSORS, HEIRS AND/OR ASSIGNS AGREE TO THE FOLLOWING NOTES:

16-102.02 STREET MAINTENANCE
(Use with: all plans and plats)

IT IS MUTUALLY UNDERSTOOD AND AGREED THAT THE DEDICATED ROADWAYS SHOWN ON THIS PLAT/PLAN WILL NOT BE MAINTAINED BY THE COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE CONSTRUCTION PLANS ARE APPROVED, AND PROVIDED CONSTRUCTION OF SAID ROADWAYS IS STARTED WITHIN ONE YEAR OF THE CONSTRUCTION PLAN APPROVAL. THE OWNERS, DEVELOPERS AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL BE RESPONSIBLE FOR STREET MAINTENANCE UNTIL SUCH TIME AS THE COUNTY ACCEPTS THE RESPONSIBILITY FOR MAINTENANCE AS STATED ABOVE.
Chapter 16: Standard Notes

16-102.03 DRAINAGE MAINTENANCE
(Use with: all plans or plats)

THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL DRAINAGE FACILITIES INSTALLED PURSUANT TO THE SUBDIVISION AGREEMENT. REQUIREMENTS INCLUDE, BUT ARE NOT LIMITED TO MAINTAINING THE SPECIFIED STORM WATER DETENTION/RETENTION VOLUMES, MAINTAINING OUTLET STRUCTURES, FLOW RESTRICTION DEVICES AND FACILITIES NEEDED TO CONVEY FLOW TO SAID BASINS. ARAPAHOE COUNTY SHALL HAVE THE RIGHT TO ENTER PROPERTIES TO INSPECT SAID FACILITIES AT ANY TIME. IF THESE FACILITIES ARE NOT PROPERLY MAINTAINED, THE COUNTY MAY PROVIDE NECESSARY MAINTENANCE AND ASSESS THE MAINTENANCE COST TO THE OWNER OF THE PROPERTY.

16-102-04 EMERGENCY ACCESS NOTE
(Use with: all plans or plats)

EMERGENCY ACCESS IS GRANTED HEREWITH OVER AND ACROSS ALL PAVED AREAS FOR POLICE, FIRE AND EMERGENCY VEHICLES.

16-102.05 DRIVES, PARKING AREAS, AND UTILITY EASEMENTS MAINTENANCE
(Use with: all plans or plats except Preliminary Development Plans, Rezoning, Preliminary Plats)

THE OWNERS OF THIS PLAN OR PLAT, THEIR SUCCESSORS, AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNERS ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF ANY AND ALL DRIVES, PARKING AREAS, AND EASEMENTS, I.E.: CROSS-ACCESS EASEMENTS, DRAINAGE EASEMENTS, ETC.

16-102.06 PRIVATE STREET MAINTENANCE
(Use with: all plans or plats except Preliminary Development Plans, Rezoning, Preliminary Plats)

IT IS MUTUALLY UNDERSTOOD AND AGREED THAT THE PRIVATE ROADWAYS SHOWN ON THIS PLAT/PLAN ARE NOT IN CONFORMANCE WITH ARAPAHOE COUNTY ROADWAY DESIGN AND CONSTRUCTION STANDARDS AND WILL NOT BE MAINTAINED BY THE COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN CONFORMANCE WITH THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE OF THE REQUEST FOR DEDICATION. THE OWNERS, DEVELOPERS, AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL BE RESPONSIBLE FOR STREET MAINTENANCE UNTIL SUCH TIME AS THE COUNTY ACCEPTS RESPONSIBILITY FOR MAINTENANCE AS STATED ABOVE.
16-102.07 DRAINAGE LIABILITY
(Use with: all plans or plats except Preliminary Development Plans, Rezoning, Preliminary Plats – when a drainage study has been produced as part of the review)

IT IS THE POLICY OF ARAPAHOE COUNTY THAT IT DOES NOT AND WILL NOT ASSUME LIABILITY FOR THE DRAINAGE FACILITIES DESIGNED AND/OR CERTIFIED BY (Developer’s Engineer). ARAPAHOE COUNTY REVIEWS DRAINAGE PLANS PURSUANT TO COLORADO REVISED STATUTES TITLE 30, ARTICLE 28, BUT CANNOT, ON BEHALF OF (Owner) GUARANTEE THAT FINAL DRAINAGE DESIGN REVIEW WILL ABSOLVE (Owner) AND/OR THEIR SUCCESSORS AND/OR ASSIGNS OF FUTURE LIABILITY FOR IMPROPER DESIGN. IT IS THE POLICY OF ARAPAHOE COUNTY THAT APPROVAL OF THE FINAL PLAT AND/OR FINAL DEVELOPMENT PLAN DOES NOT IMPLY APPROVAL OF (Engineer and/or Firm’s Name) DRAINAGE DESIGN.

16-102.08 LANDSCAPE MAINTENANCE
(Use with: all plans or plats)

THE OWNERS OF THIS PLAN OR PLAT, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNER’S ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF PERIMETER FENCING, LANDSCAPED AREAS AND SIDEWALKS BETWEEN THE FENCE LINE/PROPERTY LINE AND ANY PAVED ROADWAYS.

THE OWNERS OF THIS SUBDIVISION, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, OR SOME OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, AGREE TO THE RESPONSIBILITY OF MAINTAINING ALL OTHER OPEN SPACE AREAS ASSOCIATED WITH THIS DEVELOPMENT.

16-102.09 SIGHT TRIANGLE MAINTENANCE
(Use with: all plans or plats)

THE OWNERS OF PRIVATE PROPERTY CONTAINING A TRAFFIC SIGHT TRIANGLE ARE PROHIBITED FROM ERECTING OR GROWING ANY OBSTRUCTIONS OVER THREE FEET IN HEIGHT ABOVE THE ELEVATION OF THE LOWEST POINT ON THE CROWN OF THE ADJACENT ROADWAY WITHIN SAID TRIANGLE.

16-102.10 PUBLIC IMPROVEMENTS NOTE
(Use with: Final Plat, Final Development Plan, Replat, Use By Special Review, Locations & Extent, Master Development Plan, Subdivision Development Plan, Administrative Site Plan, Minor Subdivision)

AFTER FINAL DEVELOPMENT PLAN/FINAL PLAT APPROVAL, ISSUANCE OF INDIVIDUAL BUILDING PERMITS WILL BE SUBJECT TO THE FOLLOWING STIPULATIONS AND/OR CONDITIONS PRECEDENT, WHICH OWNER AGREES TO IN CONJUNCTION WITH APPROVAL OF THE FINAL DEVELOPMENT PLAN AND/OR FINAL PLAT. SUCH BUILDING PERMITS WILL BE ISSUED ONLY AFTER THE OWNERS GUARANTEE PUBLIC IMPROVEMENTS IN A FORM ACCEPTABLE TO THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO STATE STATUTE.
16-102.11 MAINTENANCE EASEMENT
(Use with: plan and plats with 0’ setback)

A MAINTENANCE EASEMENT IS REQUIRED FOR DEVELOPMENTS WITH ZERO SIDE SETBACKS IF ONE STRUCTURE IS BUILT ON THE LOT LINE. IN ORDER TO MAINTAIN STRUCTURE WITH THE ZERO SIDE SETBACK, A MAINTENANCE EASEMENT MAY BE REQUIRED ON THE ADJACENT LOT TO ENABLE MAINTENANCE TO BE PERFORMED ON SAID STRUCTURE FROM THE ADJOINING PROPERTY. EACH LOT OWNER AGREES TO ALLOW ADJACENT LOT OWNERS ACCESS ACROSS THEIR LOT, WITHIN FIVE FEET OF THE COMMON LOT LINE, AS MAY BE NEEDED TO MAINTAIN AND REPAIR THE ADJACENT OWNER’S PRINCIPAL STRUCTURE. EACH ADJACENT OWNER AGREES TO REPAIR ANY DAMAGE WHICH MAY BE CAUSED TO THE LOT OWNER’S PROPERTY FROM THE ADJACENT OWNERS USE OF THIS MAINTENANCE EASEMENT, AND TO TAKE ALL NECESSARY STEPS TO AVOID CAUSING SUCH DAMAGE.

16-102-12 DRAINAGE MASTER PLAN NOTE
(Use with: all plans and plats)

THE POLICY OF THE COUNTY REQUIRES THAT ALL NEW DEVELOPMENT AND REDEVELOPMENT SHALL PARTICIPATE IN THE REQUIRED DRAINAGE IMPROVEMENTS AS SET FORTH BELOW:

1. DESIGN AND CONSTRUCT THE LOCAL DRAINAGE SYSTEM AS DEFINED BY THE PHASE III DRAINAGE REPORT AND PLAN.

2. DESIGN AND CONSTRUCT THE CONNECTION OF THE SUBDIVISION DRAINAGE SYSTEM TO A DRAINAGeway OF ESTABLISHED CONVEYANCE CAPACITY SUCH AS A MASTER PLANNED OUTFALL STORM SEWER OR MASTER PLANNED MAJOR DRAINAGEWAY. THE COUNTY WILL REQUIRE THAT THE CONNECTION OF THE MINOR AND MAJOR SYSTEMS PROVIDE CAPACITY TO CONVEY ONLY THOSE FLOWS (INCLUDING OFFSITE FLOWS) LEAVING THE SPECIFIC DEVELOPMENT SITE. TO MINIMIZE OVERALL CAPITAL COSTS, THE COUNTY ENCOURAGES ADJACENT DEVELOPMENTS TO JOIN IN DESIGNING AND CONSTRUCTING CONNECTION SYSTEMS. ALSO, THE COUNTY MAY CHOOSE TO PARTICIPATE WITH A DEVELOPER IN THE DESIGN AND CONSTRUCTION OF THE CONNECTION SYSTEM.

3. EQUITABLE PARTICIPATION IN THE DESIGN AND CONSTRUCTION OF THE MAJOR DRAINAGEWAY SYSTEM THAT SERVES THE DEVELOPMENT AS DEFINED BY ADOPTED MASTER DRAINAGEWAY PLANS (SECTION 3.4 OF THE ARAPAHOE COUNTY STORMWATER MANAGEMENT MANUAL) OR AS REQUIRED BY THE COUNTY AND DESIGNATED IN THE PHASE III DRAINAGE REPORT.
16-103 SPECIFIC NOTES
The following notes should not mention the owner, developer or subdivider.

SPECIFIC NOTES

16-103.01 REGIONAL TRANSPORTATION IMPROVEMENT FEE (RTIF) AREA
(Use with: all plans and plats located within the Regional Transportation Improvement Fee Area)

THIS (SUBDIVISION/DEVELOPMENT) IS LOCATED WITHIN AN AREA THAT HAS BEEN IDENTIFIED AS DEFICIENT IN REGIONAL INFRASTRUCTURE IMPROVEMENTS, PRIMARILY REGIONAL TRANSPORTATION INFRASTRUCTURE. THE BOARD OF COUNTY COMMISSIONERS HAS ADOPTED RESOLUTION 375-95A, WHICH REQUIRES FEES, PURSUANT TO THE FEE SCHEDULE ADOPTED BY THIS RESOLUTION, TO BE CHARGED BY THE BUILDING DIVISION, AND COLLECTED UPON THE ISSUANCE OF ALL BUILDING PERMITS FOR NEW CONSTRUCTION WITHIN THE REGION BOUNDARIES. THE FEES, THE REGION BOUNDARIES, THE REGIONAL TRANSPORTATION INFRASTRUCTURE PROPOSED TO BE FUNDED BY THE FEES, AND OTHER PERTINENT PORTIONS OF THE FEE SCHEDULE MAY BE FURTHER STUDIED AND AMENDED FROM TIME TO TIME, AS NEEDED TO ENSURE A FAIR BALANCED SYSTEM.

16-102.03 AIRPORT INFLUENCE AREA NOTE
(Off-Site Improvements)
(Use with: all plans and plats located within an Airport Influence Area)

TO CARRY OUT ONE OR MORE OF THE FOLLOWING AS MAY BE REQUIRED BY THE BOARD OF COUNTY COMMISSIONERS:

1) TO INCLUDE SAID DEVELOPMENT WITHIN A SPECIAL DISTRICT FOR THE PURPOSE OF PARTICIPATION IN THE CONSTRUCTION OF NECESSARY OFF-SITE IMPROVEMENTS AT THE TIME OF APPROVAL OF FINAL DEVELOPMENT PLANS.

2) TO COOPERATE WITH OTHER OWNERS OF OTHER PARCELS AND/OR OTHER SPECIAL DISTRICTS IN OFF-SITE ROADWAY IMPROVEMENTS AS NECESSITATED BY THE DEVELOPMENT IMPACTS AS MAY BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS.

3) TO COMPLETE SUCH OTHER IMPROVEMENTS TO PUBLIC ROADWAYS BROUGHT ABOUT OR IMPACTED BY THIS DEVELOPMENT AS MAY BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS.

4) TO PARTICIPATE AND COOPERATE IN ANY TRANSPORTATION MANAGEMENT PROGRAM AS SPECIFIED IN THE AIRPORT INFLUENCE AREA TRANSPORTATION STUDY, IF SUCH A PROGRAM IS APPROVED AND/OR ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS.
16-103.04 AIRPORT INFLUENCE AREA NOTE
(EASEMENT/HAZARD EASEMENT)
(Use with: all plans and plats within an Airport Influence Area)

AN AVIGATION AND HAZARD EASEMENT AFFECTING ALL PROPERTY CONTAINED WITHIN THIS (Type Of Plan) HAS BEEN LEGALLY EXECUTED. SAID EASEMENT DOCUMENT CAN BE FOUND IN BOOK _____, PAGE _____, OF THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER.

THE LANDS CONTAINED WITHIN THIS (Type Of Plan) LIE WITHIN THE AIRPORT INFLUENCE AREA, AN AREA WHICH IS LIKELY TO BE AFFECTED BY AIRCRAFT OPERATIONS AND THEIR POTENTIAL NOISE AND/OR CRASH HAZARDS TO A GREATER DEGREE THAN LANDS SITUATED OUTSIDE OF THE INFLUENCE AREA.

ALL LANDS CONTAINED WITHIN THIS (Type Of Plan) SHALL COMPLY WITH F.A.R. PART 77, “HEIGHT AND OBSTRUCTIONS CRITERIA”.

16-103.04 FOUR SQUARE MILE AREA NOTE
(Use with: all plans and plats within Four Square Mile Area)

A) TO INCLUDE SAID DEVELOPMENT WITHIN A SPECIAL DISTRICT FOR THE PURPOSE OF PARTICIPATING IN THE CONSTRUCTION OF NECESSARY OFF-SITE IMPROVEMENTS AT THE TIME OF APPROVAL OF FINAL DEVELOPMENT PLANS.

B) TO COOPERATE WITH OTHER OWNERS OF OTHER PARCELS AND/OR SPECIAL DISTRICTS IN OFF-SITE ROADWAY AND OPEN SPACE IMPROVEMENTS AS NECESSITATED BY DEVELOPMENT IMPACTS AS MAY BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS.

C) TO INCLUDE SAID DEVELOPMENT IN A MASTER DRAINAGE IMPROVEMENT DISTRICT IF SUCH A DISTRICT IS FORMED.

16-103.05 PRIVATE OPEN SPACE
(Use with: plans and plats except Preliminary Development Plan, Rezoning, Location & Extent)

A. THE PRIVATE PARK SITE AS SHOWN ON THIS PLAT OR PLAN SHALL BE MAINTAINED IN PERPETUITY BY THE OWNER(S), HOMEOWNER’S ASSOCIATION, AND/OR ENTITY OTHER THAN ARAPAHOE COUNTY.

B. BUILDING PERMITS WILL BE ISSUED FOR ONLY ONE-HALF OF THE LOTS IN THIS SUBDIVISION UNTIL THE PARK FACILITIES HAVE BEEN INSTALLED IN ACCORDANCE WITH THE APPROVED PLAN.

C. WHEN A PROJECT CONSISTS OF ONE LOT, THE PRIVATE PARK SHALL BE INSTALLED PRIOR TO THE CERTIFICATE OF OCCUPANCY.
16-103.06 STREET LIGHTING
(Use with: plans and plats except Preliminary Development Plan, Rezoning, Location & Extent)

ALL LOTS ARE SUBJECT TO AND BOUND BY TARIFFS WHICH ARE NOW AND MAY IN THE FUTURE BE FILED WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO RELATING TO STREET LIGHTING IN THIS PLAN OR PLAT, TOGETHER WITH RATES, RULES, AND REGULATIONS THEREIN PROVIDED AND SUBJECT TO ALL FUTURE AMENDMENTS AND CHANGES THERETO. THE OWNER OR OWNERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, SHALL PAY AS BILLED, A PORTION OF THE COST OF PUBLIC STREET LIGHTING IN THE PLAN OR PLAT ACCORDING TO APPLICABLE RATES, RULES, AND REGULATIONS, INCLUDING FUTURE AMENDMENTS AND CHANGES ON FILE WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO.

16-103.07 DRAINAGE
(Use with: plans and plats except Preliminary Development Plan, Rezoning, Location & Extent)

ALL DRAINAGE, DETENTION POND AND STORM SEWER EASEMENTS SHOWN HEREON BURDEN AND RUN WITH ALL LANDS DESCRIBED IN THIS PLAT TO THE BENEFIT OF ARAPAHOE COUNTY AND ITS ASSIGNS, AND ARE BINDING UPON THE OWNERS AND THEIR RESPECTIVE SUCCESSORS, HEIRS AND ASSIGN. THE EASEMENTS ARE GOVERNED BY THE TERMS AND CONDITIONS OF ARAPAHOE COUNTY’S STORMWATER AND DRAINAGE REGULATIONS AND STANDARDS AND ALL TERMS AND CONDITIONS OF RECORD, INCLUDING THOSE RECORDED ON JUNE 5, 1997, AT RECEPTION NUMBER A7066570, AS THOSE REGULATIONS, STANDARDS, TERMS AND CONDITIONS EXIST AT THE TIME OF COUNTY APPROVAL OF THIS DOCUMENT AND AS THEY MAY BE AMENDED FROM TIME TO TIME.

16-103.08 PUBLIC USE EASEMENT
(Use with: all Final Plat, Replat, Minor Subdivision, Final Development Plan, Administrative Development Plan, Use by Special Review, Location & Extent)

ALL PUBLIC USE EASEMENTS SHOWN HEREON BURDEN AND RUN WITH ALL LANDS DESCRIBED IN THIS PLAT TO THE BENEFIT OF ARAPAHOE COUNTY AND ITS ASSIGNS, AND ARE BINDING UPON THE OWNERS AND THEIR RESPECTIVE SUCCESSORS, HEIRS AND ASSIGN. THE PUBLIC USE EASEMENTS ARE GOVERNED BY THE TERMS AND CONDITIONS OF ARAPAHOE COUNTY’S EASEMENT REGULATIONS AND STANDARDS AND ALL TERMS AND CONDITIONS OF RECORD, IF ANY, AS THOSE REGULATIONS, STANDARDS, TERMS AND CONDITIONS EXIST AT THE TIME OF COUNTY APPROVAL OF THIS DOCUMENT AND AS THEY MAY BE AMENDED FROM TIME TO TIME.
Chapter 16: Standard Notes

16-103.09 STORMWATER MAINTENANCE
(Use with: all plans or plats with permanent StormWater Best Management Practice Installations and/or Stormwater Facilities)

THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL PERMANENT BEST MANAGEMENT PRACTICES (BMP’S) AND STORMWATER FACILITIES INSTALLED PURSUANT TO THE SUBDIVISION AGREEMENTS AND THE OPERATIONS AND MAINTENANCE (O AND M) GUIDE IN THE CASE OF PERMANENT BMP’S. REQUIREMENTS INCLUDE, BUT ARE NOT LIMITED TO, MAINTAINING THE SPECIFIED BMP’S CONTAINED IN THE O AND M MANUAL RECORDED AT RECEPTION NUMBER _______________, AND THE STORMWATER FACILITIES SHOWN IN THE APPROVED PHASE III DRAINAGE REPORT AND SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS.

THE OWNERS OF THIS SUBDIVISION, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, OR SOME ENTITY OTHER THAN ARAPAHOE COUNTY, AGREE TO THE RESPONSIBILITY OF MAINTAINING ALL PERMANENT BMP’S AND/OR STORMWATER FACILITIES ASSOCIATED WITH THIS DEVELOPMENT. IF THE PERMANENT BMP’S AND STORMWATER FACILITIES ARE NOT PROPERLY MAINTAINED, THE COUNTY MAY PROVIDE NECESSARY MAINTENANCE AND ASSESS THE MAINTENANCE COST TO THE OWNER OF THE PROPERTY.

16-104 STANDARD CERTIFICATES
When appropriate, the following certificates shall be used. Certificates should always be on the cover sheet of the document.

16-104.01 BOARD OF COUNTY COMMISSIONERS APPROVAL
(Use with: all documents approved by the Board)

APPROVED BY THE ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS, THIS _____ DAY OF ___ (leave 2” blank for month) ____________ A.D., 20_____.

CHAIR: ___________________________

ATTEST: __________________________

16-104.02 PLANNING COMMISSION RECOMMENDATION
(Use with: all documents requiring a recommendation by the Planning Commission)

NOT RECOMMENDED/RECOMMENDED BY THE ARAPAHOE COUNTY PLANNING COMMISSION, THIS _____ DAY OF ___ (leave 2” blank for month) ____________ A.D., 20_____.

CHAIR: ___________________________
16-104.03 PLANNING COMMISSION APPROVAL  
(Use with: Location & Extent)

APPROVED BY THE ARAPAHOE COUNTY PLANNING COMMISSION ON THIS _____ DAY OF ___ (leave 2” blank for month)___________ A.D., 20____.

CHAIR: __________________________

16-104.04 PLANNING DIVISION MANAGER APPROVAL (Administrative Amendment)  
(Use with: Administrative Amendments approved by the Planning Division Manager)

ADMINISTRATIVE AMENDMENT FOR THE (add type of Proposal) PLAN AMENDING (specific element, e.g., lot line, height requirement), AS DEPICTED HEREON PURSUANT TO SECTION (add specific section of the document) APPROVED THIS _______ DAY OF ___ (leave 2” blank for month), ____ BY THE PLANNING DIVISION MANAGER, OR DESIGNEE. THIS AMENDMENT NO. _______ AFFECTS ONLY (specific elements) AS DESCRIBED IN FILE NO. __________.

PLANNING DIVISION MANAGER OR DESIGNEE

16-104.05 PLANNING DIVISION MANAGER APPROVAL (Administrative Site Plan)  
(Use with: Administrative Site Plan approved by the Planning Division Manager)

ADMINISTRATIVE SITE PLAN IS APPROVED THIS______ DAY OF ___ (leave 2” blank for month)____ BY THE PLANNING DIVISION MANAGER, OR DESIGNEE.

PLANNING DIVISION MANAGER OR DESIGNEE

16-104.06 PLANNING DIVISION MANAGER APPROVAL  
Technical Amendment Note and Certification  
(Use with: Technical Amendment approved by the Planning Division Manager)

TECHNICAL AMENDMENT IS APPROVED THIS______ DAY OF ___ (leave 2” blank for month)____ BY THE PLANNING DIVISION MANAGER, OR DESIGNEE.

PLANNING DIVISION MANAGER OR DESIGNEE
Chapter 16: Standard Notes

16-104.08 SURVEYING CERTIFICATE
(Use with: Final Plat, Replat, Minor Subdivision)

I, ____(insert typed or printed name)_________________, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.

________________________________________
LICENSED LAND SURVEYOR

16-104.08 SURVEYOR NOTE (Optional)
(Use with: Final Plat, Replat, Minor Subdivision)

THE DIMENSIONS, LOCATIONS AND OTHER INFORMATION REGARDING RECORDED RIGHTS-OF-WAY AND EASEMENTS WERE DERIVED FROM COPIES OF THE ACTUAL RECORDED DOCUMENTS. THE UNDERSIGNED SURVEYOR DID NOT PERSONALLY SEARCH THE PUBLIC RECORDS TO DETERMINE THE RECORDED RIGHTS-OF-WAY AND EASEMENTS AFFECTING THE PROPERTY, BUT INSTEAD RESEARCH WAS OBTAINED FROM_____________________________TITLE INSURANCE COMPANY. THE RESEARCH IS BELIEVED BY THE UNDERSIGNED TO BE RELIABLE, COMPLETE AND CORRECT, AND IS NOT CONTRADICTED BY ANY OTHER INFORMATION KNOWN TO THE SURVEYOR. THIS DISCLOSURE IS PROVIDED TO COMPLY WITH 38-51-106, C.R.S. AND FOR NO OTHER PURPOSE.

16-104.09 ATTORNEY CERTIFICATE
(Use with: Final Plat, Replat, Minor Subdivision)
(This certificate is only required if surveyor’s optional note is used)

I, ____ (insert typed or printed name)______, AN ATTORNEY AT LAW DULY LICENSED TO PRACTICE IN THE STATE OF COLORADO, REGISTRATION NO.______, STATE THAT I HAVE EXAMINED THE TITLE TO THE PROPERTY DESCRIBED IN THIS PLAT AND STATE FURTHER THAT, IN MY OPINION, TITLE TO ALL LANDS DESCRIBED IN THIS PLAT IS MERCHANTABLE IN THE OWNER AND IS FREE AND CLEAR OF ALL EASEMENTS, RIGHTS-OF-WAY, COVENANTS, LIENS AND ENCUMBRANCES EXCEPT (A) THOSE EASEMENTS AND RIGHTS-OF-WAY DEPICTED ON THE PLAT AND (B) THOSE HELD BY OTHER SIGNATORIES TO THIS PLAT. I FURTHER STATE THAT, IN MY OPINION, THE PERSON SIGNING AS OWNER IS AUTHORIZED TO DO SO.
Chapter 16: Standard Notes

16-104.10 RECORDER’S CERTIFICATE
(Use with: Final Plat, Replat, Minor Subdivision)

THIS PLAN OR PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF ARAPAHOE COUNTY AT _______ (A.M./P.M.) ON THE ________ DAY OF _______ (leave 2” blank for month) ________ A.D., 20____ IN BOOK ______, PAGE ______, MAP _______, RECEPTION NO.__________________

COUNTY CLERK AND RECORDER ____________________________

BY ______________________
DEPUTY

AMENDMENT HISTORY

THIS (____Amendment Number And Type______) TO THE (___Type Of Plan______) FOR (___Project Name______) SETS FOR THE FOLLOWING CHANGES AS DESCRIBED: (Fill In Here)

THE PREVIOUSLY APPROVED AMENDMENTS RELATED TO THE (___Type Of Plan______) FOR (___Project Name______) ARE AS FOLLOWS: (Text)

16-105 SPECIFIC CERTIFICATES

There are three types of certificates of ownership: Certification of Dedication and Ownership, Certificate of Ownership, and Certificate of Ownership (for PP). All documents to be recorded must be notarized.

16-105.01 CERTIFICATE OF DEDICATION AND OWNERSHIP
(Use with: Final Plat, Replat, Minor Subdivision)

THE UNDERSIGNED CERTIFIES TO AND FOR THE BENEFIT OF THE BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, THAT AS OF THE DATE SET FORTH BELOW AND THE DATE OF RECORDING OF THIS DOCUMENT, THE UNDERSIGNED CONSTITUTE ALL OF THE OWNERS OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAT, THAT THE UNDERSIGNED HAVE GOOD RIGHT AND FULL POWER TO CONVEY, ENCUMBER AND SUBDIVIDE SAME, AND THAT THE PROPERTY IS FREE AND CLEAR OF ALL LIENS, ENCUMBRANCES, EASEMENTS AND RIGHTS OF WAY EXCEPT THE EASEMENTS AND RIGHTS-OF-WAY DEPICTED ON THIS PLAT, AND THE LIENS HELD BY OTHER SIGNATORIES TO THIS DOCUMENT. IN THE EVENT OF A DEFECT IN SAID TITLE WHICH BREACHES THE WARRANTIES IN THIS CERTIFICATE, THE UNDERSIGNED, JOINTLY AND SEVERALLY, AGREE(S) TO REMEDY SUCH DEFECT UPON DEMAND BY ARAPAHOE COUNTY, WHICH REMEDY SHALL NOT BE DEEMED EXCLUSIVE.

KNOW ALL MEN BY THESE PRESENTS, THAT ______ (insert owner’s name)__________ BEING THE OWNER(S), MORTGAGEE, OR LIEN HOLDERS OF CERTAIN LANDS IN ARAPAHOE COUNTY, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING .... ETC. CONTAINING
ACRES MORE OR LESS: HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO ___(Lots, Blocks, Streets)_______ AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF ___(insert name of plat)_______ AND DO HEREBY DEDICATE AND CONVEY TO ARAPAHOE COUNTY, COLORADO, AND WARRANTS TITLE TO SAME, FOR THE USE OF THE PUBLIC, THE STREETS AND OTHER PUBLIC WAYS AND LANDS SHOWN HEREON, AND DO HEREBY DEDICATE TO ARAPAHOE COUNTY, COLORADO, AND APPROPRIATE UTILITY COMPANIES AND EMERGENCY ASSISTANCE ENTITIES, THE EASEMENTS AS SHOWN HEREON FOR THE PURPOSES STATED.

EXECUTED THIS _______ (leave 2" blank for month) _______ DAY OF ____________ A.D., 20____

________________________________________
(Owner of record or authorized agent signature)

Or

_____ (insert owner name)________________________

BY ITS ACKNOWLEDGEMENT

STATE OF _________________
COUNTY OF _________________

THE FOREGOING CERTIFICATION OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS_________ DAY OF_______ A.D., 20____

BY ______________________ AS ______________________
(NAME) (TITLE)

OF _______________AN AUTHORIZED SIGNATORY.
(ENTITY)

BY ______________________
NOTARY PUBLIC

WITNESS MY HAND AND SEAL

_________________________________________ MY COMMISSION EXPIRES ____________
16-105.02 CERTIFICATE OF OWNERSHIP
(Use with Preliminary Development Plan, Final Development Plan, Master Development Plan, Administrative Oil & Gas, Use by Special Review, Administrative Site Plan, Location and Extent, Rezoning)

I [insert typed or printed owner or agent’s name] HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS (PROJECT NAME AND CASE NUMBER).

OWNER OF RECORD OR AUTHORIZED AGENT

STATE OF [ ]

COUNTY OF [ ]

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ___ DAY OF [ ], 20___ BY [Name]

AS [Title] OF [ ], AN AUTHORIZED SIGNATORY.

BY [ ]

WITNESS MY HAND AND SEAL

NOTARY PUBLIC

MY COMMISSION EXPIRES

16-105.03 CERTIFICATE OF OWNERSHIP
(Use with: Preliminary Plat)

[insert owner or agent’s signature]

OWNER OF RECORD OR AUTHORIZED AGENT
CHAPTER 17  NOTICE AND NOTIFICATION

SECTION 17-100  PUBLIC NOTICE REQUIREMENTS – SIGN AND MAIL NOTIFICATION

The following Chapter outlines and describes the requirements for public noticing of development proposals. Read each section carefully to follow these requirements. At the time an item is scheduled for public hearing the Planning Division office will mail to you these requirements with specific information regarding individual proposals. Please contact the Planning Division office with any questions. These requirements are the responsibility of the applicant or the applicant’s representative. Errors in posting will postpone a public hearing, so accuracy is crucial.

17-101 SIGN POSTING

A. Posting of property for public hearings shall be the responsibility of the applicant.

B. Sign posting is required on the following applications: Administrative Energy, Location and Extent, Use by Special Review, Conventional Zoning, Preliminary Development Plans (and Amendments), Final Development Plans (and Amendments), Master Development Plans and Roadway Vacations.

17-101.01 SIGN REQUIREMENTS

A. Staff will inform you of the location and number of signs required for each proposal.

B. All signs must be posted at least 15 calendar days prior to the scheduled public hearing.

C. The applicant must take a legible photograph of the sign and submit it immediately upon posting the property to the Planning Case Manager.

D. He must also present the “Certificate of Posting” form, with photo, to the Case Manager no later than noon (12:00) on the Monday prior to the hearing. FAILURE TO PRESENT “CERTIFICATE OF POSTING” FORM WILL RESULT IN RESCHEDULING.

17-101.02 SIGN SPECIFICATIONS

A. A sign not less than 3 feet x 4 feet erected on posts with no portion of the sign lower than 4 feet above natural grade and legible from the nearest dedicated public right-of-way.

B. Title of sign (Notice of ... etc.) and Case No. must be in 4-inch letters in red. (Balance of sign must be 2-inch black letters on white background.) Please advise your printer that the signs must read exactly as shown on the instruction sheet; otherwise, the Planning Division cannot accept the signs as proper posting.

C. Said sign shall be removed within two (2) weeks of the conclusion of all public hearings.

D. The sign shall be posted on the property upon which the proposal is requested for a period of at least 15 calendar days prior to hearing. Such sign shall read as follows:
NOTICE OF PUBLIC HEARING FOR (Project Type)

(CASE NUMBER)
Notice is hereby given that the property upon which this sign (or adjacent property, if property is not adjacent to Right of Way) is posted shall be considered for a (type of case) to the (project name) pursuant to the Arapahoe County Zoning Regulations. Further information concerning this proposal may be obtained by calling the PWD Office at (720) 874-6650.

The hearing is to be held before the Planning Commission on the ____ day of (Month), (Year), in the Arapahoe County Lima Plaza, Arapahoe Board Room, 6954 South Lima Street, Centennial, Colorado, at 6:30 p.m., or as soon thereafter as possible.

- OR -

A hearing is to be held before the Board of County Commissioners on the ____ day of (Month), (Year), in the County Administration Building, 5334 South Prince Street, Littleton, Colorado, at 9:30 a.m. or as soon thereafter as possible.

1.  
2.  
3.  

17-102 MAIL NOTIFICATION

17-102.01 INSTRUCTIONS FOR MAIL NOTIFICATION PROVISIONS
A. Pursuant to Resolution #787-95A (effective June 19, 1995), the Board of County Commissioners adopted revisions to the County Zoning Regulations which include a “mail notification” requirement for all land development procedures requiring public hearings.
B. Mail Notification for public hearings shall be the responsibility of the applicant.
C. Mail Notification is required on the following applications: Location and Extent, Use by Special Review, Conventional Zoning, Preliminary Development Plans (and Amendments), Final Development Plans (and Amendments), Master Development Plans and Roadway Vacations.

17-102.02 REQUIREMENTS
A. Applicants are to mail, First Class, a Notice of Public Hearing to the Owner(s) of Record, at the time of application, of property located adjacent to the subject property.
B. Adjacent is to include those properties separated from the subject property by public right-of-way.
C. The Planning Division may expand or contract the notification boundary as appropriate to ensure adequate notice.
D. The Notice shall be mailed no later than fourteen (14) days prior to the Public Hearing.
17-102.03 INSTRUCTIONS FOR PREPARING THE MAIL NOTIFICATION ARE AS FOLLOWS:

17-102.03.01 List of Property Owners
Concurrent with the formal submittal of an application, obtain and submit a list of surrounding property owners to the Planning office. (Property information may be obtained from the Arapahoe County Assessor’s Office). This list is to include in its title a reference to the name of the proposal and type of application being requested. Two sets of information are to be included in the list:
   A. First, the full name and mailing address for each surrounding property owner.
   B. Second, the Assessor’s Schedule Number for each property owner’s parcel of ground.

17-102.03.02 County Assessor’s Map
Acquire a copy of the County Assessor’s Map(s) which depicts the subject property (copies can be purchased in the Mapping Division). Graphically highlight all parcels of ground for which the owners of record are to receive mail notification. Include a copy of this map, no larger than 11” x 17” in size, when you submit the mailing list. (Note: A copy of the map will help the Assessor’s Office assist you in compiling a mailing list).

17-102.03.03
A. After your application has been accepted, staff will review the mailing list and area of notification for adequacy. You will promptly be notified if any changes are required. After your case has been scheduled for a public hearing, staff will mail you the format for the letter notifying surrounding property owners.
B. Submit a signed copy of the mailed letter to our Department no later than noon (12:00) on Monday prior to the hearing.

SAMPLE LETTER

Notice of Public Hearing

[INSERT DATE]
[INSERT ADDRESSEE]
RE: Case:
Location:

Please be advised that (applicant) on behalf of (owner), has made application to Arapahoe County for a (project type) on the above referenced property. (Planning Staff will detail the requirements of each individual proposal.)

[DESCRIBE THE PROPOSAL] (Include a detailed description of the site and the use(s) proposed. 1) Use plain English. DO NOT use unexplained abbreviations (i.e., FAR, GSF, etc.). The goal is to explain your development in plain and simple terms. 2) Include all “negative” aspects of the development. Failure to accurately describe the impact of your development on neighboring owners will risk a determination by the Board of County Commissioners that the notice was inadequate, which will delay action on your case.)
A public hearing will be conducted on the referenced application at:

**Time:**

**Date:**

**Location:** Arapahoe County Lima Plaza, Arapahoe Board Room
6954 South Lima Street, Centennial, CO 80112

As a neighboring landowner and member of the public you are encouraged to attend this public hearing. For particularity as to the content of this application, contact ____________________, at (Firm Name) at (Phone Number) or (Planner), Planning Division, PWD Department, Arapahoe County Government, at (720) 874-6650.

Sincerely,

[INSERT NAME]
(Include Representative Capacity)

C. Attach to the letter, the following notarized certification:

**Notarized Certification:**

_I hereby certify under oath that the attached letter was mailed to all property owners, on ___________, (Year), as described in the mailing list included with this application and on file with the Planning Division._

____________________________________
Signature

____________________________________
Date

State of Colorado          )
) ss.
County of ___________  )

Subscribed and sworn before me this ___________day of _____20___ by___________.
CHAPTER 18 ARAPAHOE COUNTY STREETSCAPE GUIDELINES

SECTION 18-100 INTRODUCTION AND BACKGROUND
A. The primary goal of any street or roadway system is to provide a safe, maintainable transport route for vehicles as well as pedestrians. The design elements placed within this system are just as important as the system itself. Streetscape improvements help to convey a certain image or identity for a particular area. These improvements can help unify an entire community and can help create an image for a neighborhood. Regardless of the intent streetscape improvements, there needs to be a basic framework established to ensure the proposed improvements are implemented successfully.

B. The overall intent of the following criteria is to provide the PWD Engineering Division, prospective developers and development organizations with a basic framework for streetscape improvements within unincorporated Arapahoe County. This framework will assist the PWD Engineering Division with their review of submittal plans for roadway and landscape improvements by providing design criteria which will help determine if a proposal is acceptable or not. This criterion may also be provided to developers or development organizations which will enable them to determine if a proposal is acceptable.

C. It should be noted that the enclosed Streetscape Criteria are intended as a guideline for streetscape improvements. It is virtually impossible to address all of the elements and site-specific conditions pertaining to the streetscape environment. The enclosed criteria and graphics address sight distances and sight triangles, landscape and irrigation design criteria, streetscape design criteria and recommended plant materials in a rather broad nature rather than specific standards. This allows for design flexibility and does not “lock” the County into “Only one way of doing something”. In many instances, design items are referenced as ‘being reviewed on a case by case basis’ because the issue of streetscape design is not a simple one. There is always a unique situation that is present with a design and the enclosed streetscape criterion is flexible enough to accommodate creative design solutions.

18-101 DESIGN CRITERIA

18-101.01 SIGHT LINES VS. SIGHT TRIANGLES
The sight distance (line of sight) should be unobstructed for a distance that will enable motorists approaching a road intersection to see each other in enough time to prevent a collision. The sight distance will be dependent on the type of traffic control present at the intersection, the width of the road, the design speed of approach and the type of vehicle approaching the intersection. Two factors that need to be addressed concerning sight distance are the sight triangle and the sight line.

18-101.02 SIGHT TRIANGLES
The Arapahoe County Zoning Regulations identify a sight triangle where “no wall, fence, sign, structures, or any plant growth having a height in excess of three feet (3’) above the elevation of the lowest point on the crown of the adjacent roadway shall be maintained.” Therefore, the sight triangle is that area around an intersection where no obstructions above three feet (3’) in height are permitted (Refer to Fig.1). The sight triangle is defined by measuring 30 feet, along the intersecting property lines. Site specific development plans may specify sight triangles having dimensions other than 30 feet. Refer to appropriate development plans to verify requirements at specific locations.
18-101.03 SIGHT LINES

A. Further, the PWD Engineering Services Division requires that adequate visibility is maintained to safely allow vehicles to cross a street, turn left or right onto it, or turn left from it. To do this, it is necessary to draw *sight lines*. These lines originate at the location of the driver’s eyes for the specific movement. This *sight line* extends along the roadway in question a distance that depends upon conditions which are defined by Figure IX-27 of Geometric Design of Highways and Streets by AASHTO (Refer to Fig. 2, below).

![Figure 1](image)

### Figure 1

**Figure 1**

18-101.03 SIGHT LINES

**A.** Further, the PWD Engineering Services Division requires that adequate visibility is maintained to safely allow vehicles to cross a street, turn left or right onto it, or turn left from it. To do this, it is necessary to draw *sight lines*. These lines originate at the location of the driver’s eyes for the specific movement. This *sight line* extends along the roadway in question a distance that depends upon conditions which are defined by Figure IX-27 of Geometric Design of Highways and Streets by AASHTO (Refer to Fig. 2, below).

![Figure 2](image)

### Figure 2

**Figure 2**

**B.** In no instance will any obstruction be permitted in front of the minimum *sight line*, defined as the high range of stopping sight distance. Thus, no trees, shrubs, planters, berms, etc. over 36” in height above gutter flowline will be allowed (Refer to Fig.3). The driver’s eye location for sidestreet vehicles is 15 feet behind the curb line extended (desirable), with 10 feet being the absolute minimum.
Chapter 18: Streetscape Guidelines

C. Between the minimum sight line distance and the maximum requirement noted in Figure 2, obstructions may be permitted but they must be “transparent” in nature. Landscape massings shall be designed to promote at least 50% visibility through the mass and spaced far enough apart to maintain an acceptable view of traffic. In no instance shall a blind spot be created that would completely screen a vehicle for more than one half second. The length of this “allowable” blind spot can be calculated using roadway speed and a vehicle length of 20 feet.

D. Opaque tree/shrub masses will be permitted in areas where no intersections exist, and where no conflicts occur within the sight triangle or sight line areas as outlined above.

E. Arapahoe County will require that all Landscape Plans submitted shall show the sight lines, sight triangles and the design speed on the plan at each intersection pertinent to the proposed project site.

18-101.04 LANDSCAPE CRITERIA
A. Landscape elements placed adjacent to existing and proposed roadways (in the right-of-way) shall be designed to minimize conflicts between vehicular and pedestrian traffic while providing an aesthetic landscape environment that is relatively easy to maintain. A following section will address trees and shrubs and their proposed placement in Arapahoe County rights-of-way.

B. Trees in the environment are an important design element. They provide oxygen, shade and reduce pollution, they also screen views and create a separation between vehicular and pedestrian environments. Their placement therefore is important.

C. As a general guideline, the following setbacks for trees should be applied when placing trees adjacent to roadways and walks.

D. Large Deciduous Trees: 4' minimum, however, 6' is preferred for the setback from edge of pavements, back of curbs and edges of sidewalks.

E. Small Deciduous/Ornamental Trees: 2' minimum, however, 4' is preferred for the setback from edge of pavements, back of curbs and edges of sidewalks.

F. These are general guidelines and may be altered in a particular design. These will be reviewed on a case by case basis by Arapahoe County.

G. Deciduous tree canopies should not conflict with the safe movement of pedestrians and vehicles. When locating deciduous trees, their canopies should be maintained to ensure a minimum of 6’ of clearance on the pedestrian side and a minimum of 11’-6” on the vehicular side (See Suggested Plant Material List) (Refer to Figure 4). Because small deciduous trees and ornamental canopies often cannot meet these criteria, their use and placement must be carefully considered.

H. Evergreen trees, when incorporated into a landscape design, should not be planted along the immediate west and south edges of roadways. Evergreen trees promote shading of roadways in the winter months and permit ice build-up during freeze-thaw cycles.

I. Evergreen and deciduous shrubs shall be placed to minimize conflicts with visibility, while also maintaining sight distances/triangles. Generally speaking, shrubs should be placed at least 18” away from the face of curb or edges of pavement in sight line/sight triangle areas. Large shrubs placed adjacent to roadways and outside the sight line/triangle areas should be kept at least 4’ away from back of curb or edge of pavement. As stated previously, all shrubs placed within sight triangles and sight line areas shall be kept below 36” in height from the existing roadway flowline or 30” from the top of existing curb.
Chapter 18: Streetscape Guidelines

(Figure 3)

STOPPED VEHICLE CROSSING A MAJOR HIGHWAY

STOPPED VEHICLE TURNING LEFT ONTO TWO LANE MAJOR HIGHWAY

STOPPED VEHICLE TURNING RIGHT ONTO TWO LANE MAJOR HIGHWAY OR RIGHT TURN ON A RED SIGNAL

\[ d = \text{SIGHT DISTANCE} \]

(Figure 4)

COMMERCIAL TREE PLANTING  CIRCULATORY SPACE TREE PLANTING
J. As a general guideline for new roadways placed within a designated right-of-way, it is suggested that the proposed roadway be offset towards one side of the right-of-way to accommodate landscape plantings on the opposite side. This may be accomplished by deleting a parking lane in select areas or by moving the actual roadway to one side of the right-of-way centerline to promote landscaping on the opposite side. It is preferable that plantings be placed on north and east sides of the roadway to minimize shading. This will be reviewed in a case by case situation and must be approved by Arapahoe County prior to proceeding with the proposed construction documentation.

K. The above referenced landscape criteria are suggested for Arapahoe County Rights-of-Way only. Landscape criteria governed by other jurisdictions (i.e. CDOT, municipalities, etc.) will be governed by that agency.

L. Note: For all proposed landscape improvements and related appurtenances placed within Arapahoe County Rights-of-Way, the applicant needs to contact the Arapahoe County Attorney’s Office to develop a Maintenance Agreement with the County. Arapahoe County will not be responsible for maintaining landscape improvements and related appurtenances placed within the Arapahoe County Rights-of-Way.

18-101.05 IRRIGATION CRITERIA
A. All proposed irrigation systems that are placed within the Arapahoe County rights-of-way shall have a manual gate valve installed within the right-of-way that controls the entire irrigation system. Irrigation controllers and backflow preventors shall be installed in a relatively non-visible area while also allowing for maintenance access. Landscape plantings are also encouraged to help screen views of these items when possible. Irrigation moisture sensors are also recommended in landscape areas adjacent to roadways. Sensors tend to decrease the overall demand for water and eliminate excessive amounts of water on roadway surfaces.

B. Irrigated medians as well as roadway edges should be designed to minimize conflicts with both vehicular and pedestrian traffic. When irrigated turf is proposed immediately adjacent to a roadway, it is preferred that ‘pop-up’ style irrigation heads be places immediately along the back of the curb/road section. ‘Rotor’ type irrigation heads, if used, should be placed a minimum of 8’ from the edge of the curb road section. The intent is to eliminate or minimize irrigation water from entering pedestrian/vehicular travel lanes. These conflicts may also be further minimized through the use of low trajectory spray heads and drip emmitter systems.

C. All Landscape Plan submittals shall be accompanied with a Schematic Irrigation Plan that outlines:
   1. The proposed lap/backflow preventor and irrigation controller location;
   2. The location of the manual gate valve that will control the entire irrigation system
   3. The anticipated type of irrigation proposed for each area (turf, shrub beds, etc.)
   4. The recommended setback distance of all proposed irrigation heads from back or curb or edge of pavement
   5. All proposed sleeve locations
   6. All Irrigation Plans submitted will be reviewed by Arapahoe County on a case-by-case basis.

18-101.06 DRAINAGE CONCERNS
A. At the present time, Arapahoe County does not have a standard drainage detail that will prevent lateral water movement into and under a proposed roadway section. There are many products and alternative solutions that address this issue, but none have been adopted as of this publication. The following section will briefly address what the County will require for future road construction submittals.
Chapter 18: Streetscape Guidelines

B. In all areas that are proposed for irrigation immediately adjacent to a roadway section (i.e. landscape medians, streetscape plantings, etc.) there will be a requirement that a drainage barrier or drainage “system” be incorporated into the design that will prevent lateral water movement into or under the proposed roadway section. This “system” may range from an impermeable barrier that extends below the roadway section to a subsurface drainage system that intercepts this water and diverts it away from the roadway section. The impermeable barrier “system” shall be encouraged in more rural/non-urban areas whereas the subsurface drainage “system” shall be encouraged in areas that possess a storm sewer system or enough grade change that will allow for the discharge of this water away from the roadway section in question.

C. Regardless of the proposed “system” that will be used to prevent this lateral movement of water under a roadway section, Arapahoe County will require that all proposed solutions be submitted to the County for review and comment. Each proposed solution will also be handled on a case-by-case basis.

18-102 STREETSCAPE CRITERIA
It is the intent of the county to promote landscape elements within the streetscape environment. The Arapahoe County Infrastructure Design and Construction Standards, as amended, classifies each roadway. The following text will address each classification with its potential for landscape design improvements.

18-102.01 STREETSCAPE GUIDELINES FOR ROADWAY SECTIONS

18-102.01.01 RURAL LOCAL ROAD
A. Medians not permitted.
B. Landscape improvements will be limited to the area between pavement edge and right-of-way boundary.
C. Potential for moving the roadway to one side of right-of-way to allow for landscape improvements on the opposite side (limited applications).

18-102.01.02 URBAN LOCAL ROAD
A. Roadway may be offset to one side of right-of-way to allow for additional landscape/streetscape improvements.
B. Parking lane may be eliminated on one side of roadway section in select areas to allow for landscape/streetscape improvements.
C. Median is not permitted unless it is used as an entry feature and the right-of-way is wide enough to accommodate it.

18-102.01.03 60' MINOR COLLECTOR
A. Parking pavement lane could be deleted in select areas to accommodate landscape/streetscape improvements. Detached walks are encouraged in this situation.
B. “Parking islands” may be incorporated in parking pavement lane areas to break up the linearity of the street and provide an area for proposed landscape/streetscape improvements. See Figure 6, below.
C. Landscape area may be incorporated between detached walk and curb.
D. Roadway may be offset to one side of right-of-way to allow for additional landscape/streetscape improvements.

E. Median is not permitted, unless it is used as an entry feature and the right-of-way is wide enough to accommodate a median.

18-102.01.04 80' MAJOR COLLECTOR
A. Paved area may be narrowed to accommodate landscape/streetscape improvements in areas where a center turn lane is not required, provided that proper transitions are constructed.
B. Medians will be permitted in areas where side street access is fairly limited and will be considered on a case by case situation. Intermittent use of medians will not be permitted.
C. Raised planter medians are discouraged.
D. Turf median solutions are possible but are discouraged. Turf medians will be reviewed on a case by case basis.
E. Roadway may be offset to one side of right-of-way to allow for additional landscape/streetscape improvements.
F. Landscape/streetscape improvements are suggested between the detached walk and curb line, detached walks are encouraged.

18-102.01.05 100' MINOR ARTERIAL
A. Paved area may be narrowed to accommodate landscape/streetscape improvements in areas where a center turn lane is not required, provided that proper transitions are constructed.
B. Medians will be permitted in areas where side street access is fairly limited and will be considered on a case by case situation. Intermittent use of medians will not be permitted.
C. Landscape/streetscape improvements are strongly recommended between the detached walk and curb to help reduce the scale of the street (i.e. street trees).
D. Turf median solutions are possible but are discouraged. Turf medians will be reviewed on a case by case basis.
E. Roadway may be offset to one side of the right-of-way to allow for additional landscape/streetscape improvements.

18-102.01.06 120' (4 LANE) AND 140' (6 LANE) MAJOR ARTERIALS
A. Standard section calls for a raised median up to 26' in width.
B. Turf medians are permitted in median sections greater than 12'.
C. When double left turn lanes are provided, landscape treatments will not be permitted on the adjacent raised median.
D. Landscape masses can be larger than previous median typicals and plant diversity should be minimized because of faster design speeds.
E. Landscape/streetscape improvements are strongly recommended between the detached walk and curb to help reduce the scale of the street (i.e. street trees).

(Figure 7)

(Figure 8)

Urban Local Road

60' Minor Collector
Chapter 18: Streetscape Guidelines

80' Major Collector

100' Minor Arterial

120' (4 lane) Major Arterials

140' (6 lane) Major Arterials
Chapter 18: Streetscape Guidelines

18-102.02 PAVED MEDIANS
A. Paved medians should be designed to incorporate a common element throughout.
B. The entire design (i.e. materials, color, texture, etc.). Medians should be designed to be relatively easy to maintain while also adding an aesthetic appeal to the street environment. Positive drainage should be maintained at all times. Appropriate expansion joint material and caulk should also be installed between median pavement and back of curb. Below are suggested paved median design guidelines.

18-102.02.01 PAVED SMALL MEDIAN (6' OR LESS IN WIDTH)
A. Medians should be crowned at a minimum of 2” per foot.
B. Textured paving materials that trap dirt and debris should be used in limited areas.
C. Accepted materials for small median treatments:
   1. Broom finished concrete (colored preferred),
   2. Stamped/ textured concrete
   3. Exposed aggregate concrete
   4. Interlocking pavers
   5. Mortared brick
   6. Grouted cobble
D. Asphaltic pavements will not be accepted for small paved medians.

18-102.02.02 PAVED LARGE MEDIANS (GREATER THEN 6' IN WIDTH)
A. Medians shall be crowned at a minimum of 1” per foot.
B. An 18” wide “grade transition strip” is required from back of curb face to the beginning of crowned pavement. Slope of “transition strip” will be a minimum of 2% towards the street flowline. See Figure 13.

![Figure 13](image)

C. Paved medians shall be designed so that no visible vertex exists. Median crowns should be smooth. Tangents and abrupt grade breaks should be avoided.
D. Large expanses of paved medians should be avoided.
E. Acceptable materials for large medians treatments:
   1. Broom finished concrete (color preferred)
   2. Stamped concrete (color preferred)
   3. Interlocking pavers
   4. Mortared brick
   5. Exposed aggregate concrete
   6. Grouted cobble
F. Asphalitic pavements will not be accepted for large paved medians.

18-102.03 NON-PAVED MEDIANS
The addition of medians to the streetscape environment is an important design element. Medians tend to reduce the overall scale of a roadway and make it possible to add landscape elements in the center of the right-of-way. This section pertains to landscape medians as well as raised planter medians. Medians of this nature tend to be more maintenance intensive and require design solutions that address this issue.

18-102.03.01 LANDSCAPE MEDIANS: (4' OR LESS IN WIDTH)
Landscape improvements are discouraged and will be reviewed on a case by case basis.

18-102.03.02 LANDSCAPE MEDIANS: (GREATER THAN 4' IN WIDTH)
A. Landscape improvements are encouraged.
B. Medians shall not exceed 4:1 slopes.
C. Ensure plant materials do not encroach into vehicular or pedestrian circulation areas.
D. Provide drainage barrier/drainage system to prevent lateral water movement into the roadway section.
E. Turf medians are discouraged for median widths less than 12' in width. Proposals for turfmedians under 12' in width will be reviewed on a case by case basis.
F. Irrigation systems should be designed to prevent overspray into vehicular travel lanes.
G. Deciduous trees will be allowed in raised medians within sight line and sight triangle areas, however, there must be no obstruction from 36” above roadway flowline to 7’-6” above roadway flowline. A 4’-6” clear zone is required in sight line and sight triangle areas.

18-102.03.03 PLANT MATERIALS
A. All plant materials shall be placed to ensure that no conflict occurs with traffic flow (at time of planting and in the future). See Landscape Criteria.
B. As a general rule, plant materials, particularly shrubs, should be kept away from the median edge to ensure that an 18” clear zone exists. Plant materials selected should be placed to ensure that no encroachment occurs into traffic flow areas. These 18” clear zones need to be either paved or mulched with appropriate mulch.
C. Irrigation should be designed to avoid overspray into traffic lanes. All irrigated areas adjacent to roadways should incorporate a drainage barrier/drainage “system” to prevent lateral water movement under the roadway section.
D. All plant materials placed in medians shall not obstruct design sight lines or sight triangles. (See Chapter 12).
E. Opaque plant masses will be permitted outside design sight lines and sight triangles but will be reviewed on an individual case basis.
F. Recommended plant setbacks shall be maintained and all local landscape codes shall be adhered to.
G. Landscape medians shall not exceed 4:1 slopes and landscape crowns shall be wide enough to ensure no “vertex” exists.
H. Landscape medians shall also incorporate a general diversity of plant massings and turf areas to promote visual interest.

18-102.03.04 RAISED MEDIANS/PLANTER BOXES
A. All landscape material in raised medians shall not exceed 36" in height from adjacent flowline in design sight lines and sight triangle areas. Sloped pavement/planter walls
with slopes greater than 2:1 shall have an 18” paved “transition zone” from curb face to bottom of pavement/wall.

B. Transitions for raised medians from left turn lanes to raised median planters shall be smooth and continuous. Abrupt changes from a flat median section to a raised median section should be avoided.

C. Accepted raised medians/planter treatments:
   1. Cast in place concrete, broom finish (color preferred), or pre-cast construction
   2. Exposed aggregate concrete
   3. Stamped concrete (color preferred)
   4. Interlocking pavers
   5. Mortared Brick
   6. Grouted cobble

D. As with landscape medians, all proposed irrigated raised medians shall be designed to minimize conflicts with vehicular and pedestrian circulation areas. Irrigated raised medians/planters should also incorporate a drainage barrier/drainage “system’ that will prevent lateral water movement under roadway sections.

E. Deciduous trees will be allowed in raised medians within sight line however there must be no obstruction from 36” above roadway flowline to 7’-6” above roadway flowline. A 4’-6” clear zone is required in sight line areas.

(Figure 14)

18-103 RECOMMENDED PLANT MATERIALS LIST

A. Plant materials and their use within the streetscape environment serve both functional and aesthetic requirements. Plants provide shade, reduce glare, serve as windbreaks and help to reduce and direct noise. Plant Material also satisfies the aesthetic needs with colors, textures and scents. It is for these reasons that their selection and placement are extremely important.
B. The below referenced list of plant materials and mulches is not to be considered all-inclusive. The spectrum of plant materials that may be used in the urban environment is vast. The plants and mulches referenced here were selected because of their viability and practicality in the Colorado environment. Most of the plant materials selected are drought tolerant (xeriscape plants denoted with an asterisk*).

### 18-103.01 LARGE DECIDUOUS TREES
- Greenspire Linden
- Marshall Seedless Ash
- Northern Red Oak
- Western Catalpa*
- Redmond Linden
- Green Ash*
- Schwedler Maple
- Thornless Honeylocust*
- Autumn Purple Ash
- Summit Ash*
- Red Sunset Maple
- Golden Rain Tree*
- Roschill Ash*
- English Oak*
- Norway Maple

### 18-103.02 EVERGREEN TREES
- Austrian Pine*
- Western Juniper*
- Ponderosa Pine*
- Bristlecone Pine*
- Colorado Blue Spruce
- Pinyon Pine*

### 18-103.03 SMALL DECIDUOUS TREES
- Littleleaf Linden
- Crabapple spp.*
- Newport Plum*
- Golden Rain Tree*
- Thornless Hawthorn
- Bradford Pear

### 18-103.04 DECIDUOUS SHRUBS
- Japanese Barberry*
- Alpine Currant*
- Redtwig Dogwood*
- Crimson Pygmy Barberry*
- Fremont Barberry*
- Yellowtwig Dogwood
- Staghorn Sumac*
- Cranberry Cotoneaster*
- Cistena Plum
- Firethorn
- Smooth Sumac*
- Littleleaf Mockorange*
- Coralberry*
- Snowmound Spirea
- Yucca*
- Mountain Mahogany*

### 18-103.05 EVERGREEN SHRUBS
- Blue Rug Juniper*
- Buffalo Juniper*
- Arcadia Juniper
- Calgary Carpet Juniper*
- Blue Chip
- Juniper Tammy Juniper
- Mugho Pine
- Wilton Carpet Juniper

### 18-103.06 PERENNIALS/GROUNDCOVER/ORNAMENTAL GRASSES
- Daylily spp*
- Snow in Summer*
- Virginia Creeper
- Miscanthus Grass*
- Dianthus spp*
- Wild Strawberry*
- Aster spp.*
- Oriental Poppy*
- Iris spp*
- Dwarf Yarrow*
- Campanula spp.*
- Creeping Phlox*
- Mahonia Repens*
- Salvia spp*
- Correopsis spp.*
- Himalayan Border Jewel*
- Periwinkle Common Yarrow*
- Pampas Grass*
- Buttercup*
- Sedums*
- Kinninnick*

### 18-103.07 TURF GRASSES
- Perennial Rye Grass spp.*
- Smooth Brome*
- Wheatgrass spp.*
- Fescue spp.*
- Buffalo Grass*
- Blue Grama Grass*
- Kentucky Bluegrass
- Tall Fescue*

### 18-103.08 ACCEPTED MULCHES FOR SHRUB BEDS
- Red Cedar (3/4” to 3”)

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Pine Bark (3/4" to 3")
Fibre Mulch (registered trademark)
Pole Peelings (2”+)
Aspen Mulch (3/4”+)

18-103.09 DISCOURAGED MULCHES FOR SHRUB BEDS
River rock
Crushed Gravel
Loose Cobbles
Lava Rock
Wood Shavings
Ground Shavings

18-103.10 MAINTENANCE REGIME
18-103.10.01 ANTICIPATED HOURS OF LABOR
- The following is provided as a general guideline for anticipated labor-hour tasks to maintain the below referenced items. The maintenance tasks are based on maintaining one (1) acre of median/streetscape area.

**NON-TURF MEDIANS**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Performance Standard</th>
<th>Anticipated Hours Per Acre Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.Litter Pick Up</td>
<td>Weekly trash removal</td>
<td>23</td>
</tr>
<tr>
<td>2.Irrigation Maintenance</td>
<td>Valve repair, mainline repair as necessary</td>
<td>40</td>
</tr>
<tr>
<td>3.Irrigation System</td>
<td>Freeze damage protection Winterization and Spring Start Up</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>and spring activation</td>
<td></td>
</tr>
<tr>
<td>4.Plant Maintenance</td>
<td>Yearly tree pruning</td>
<td>6</td>
</tr>
<tr>
<td>5.Shrub Bed Weeding</td>
<td>Hand removal of weeds 3 times per growing season</td>
<td>24</td>
</tr>
<tr>
<td>6.Pest Control</td>
<td>Yearly control of tree pests</td>
<td>4</td>
</tr>
<tr>
<td>7.Concrete Cleaning</td>
<td>Concrete cleaned twice yearly</td>
<td>12</td>
</tr>
<tr>
<td>8.Support Activity</td>
<td>Equipment maintenance, supervision, travel and transportation (1/2 aver.)</td>
<td>39</td>
</tr>
</tbody>
</table>

**TOTAL HOURS** 157
## SODDED MEDIAN

<table>
<thead>
<tr>
<th>Activity</th>
<th>Performance Standard</th>
<th>Anticipate Hours Per Acre Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Litter Pickup</td>
<td>Weekly trash removal</td>
<td>23</td>
</tr>
<tr>
<td>2. Irrigation Maintenance</td>
<td>Head adjustment, valve repair, mainline repair as necessary</td>
<td>80</td>
</tr>
<tr>
<td>3. Irrigation System</td>
<td>Freeze damage protection and spring activation</td>
<td>9</td>
</tr>
<tr>
<td>4. Plant Material</td>
<td>Trees pruned once a year</td>
<td>6</td>
</tr>
<tr>
<td>5. Shrub Bed Weeding</td>
<td>Hand removal of weeds 3 times per growing season</td>
<td>12</td>
</tr>
<tr>
<td>6. Turf Grass Weeding</td>
<td>Three times per growing season chemical weeding</td>
<td>14</td>
</tr>
<tr>
<td>7. Pest Control</td>
<td>Yearly control of tree pests</td>
<td>4</td>
</tr>
<tr>
<td>8. Mowing</td>
<td>Grass mowed weekly</td>
<td>80</td>
</tr>
<tr>
<td>9. Turf Trimming &amp; Edging</td>
<td>Curb, sidewalks and shrub beds edged weekly</td>
<td>21</td>
</tr>
<tr>
<td>10. Turf Fertilization</td>
<td>Grass fertilized once a year</td>
<td>8</td>
</tr>
<tr>
<td>11. Concrete Cleaning</td>
<td>Concrete cleaned twice per year</td>
<td>12</td>
</tr>
<tr>
<td>12. Support Activity</td>
<td>Equipment maintenance, supervision, travel and transport</td>
<td>77</td>
</tr>
</tbody>
</table>

**TOTAL HOURS** 346

### 18-104 BIBLIOGRAPHY

- A. Infrastructure Design and Construction Standards, as amended
- B. Arapahoe County, Colorado
- C. Burke and Associates, Inc.
- D. Infrastructure Design Manual, March 1984
- E. Colorado Division of Highways
- F. Colorado Standard Plans, as amended
- G. Division of Highway M&S Standards
- H. Standard Specifications for Road and Bridge Construction (1986)
- I. State Department of Highway
- J. Division of Highways - State of Colorado
CHAPTER 19 DEFINITIONS

19-100 RULES OF CONSTRUCTION

A. The particular controls the general.
B. The word "building" shall mean the word "structure."
C. The word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used."
D. Additional definitions are found in this document within subsections of the Zoning Resolution.

19-200 DEFINITIONS

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, and/or participate in, safely and with dignity by a person with a physical disability.

ACCESSORY DWELLING UNIT (ADU). A secondary dwelling unit that is within or adjacent to the primary single-family dwelling unit on a lot/parcel and includes a kitchen, bathroom and sleeping facilities and has a separate entry to the secondary dwelling unit. Colorado Statutory parcels of 35-acres are also under this definition.

ACCESSORY USE OR STRUCTURE. A use or structure (exceeding 120 sq. ft.) subordinate to the principal structure or use which serves a purpose customarily incidental to the principal use.

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

A. Accessory buildings greater than 120 sq. ft. in size and/or 10’ in height shall observe all yard and height requirements.
B. Structures constructed for accessory uses shall not be used for dwelling purposes.
C. Except for agricultural usage only, accessory structures shall not exceed 10% of the lot area or a maximum of 1,000 square feet, and a maximum building height of 15 feet.

ACCIDENT POTENTIAL ZONE (APZ) I. An area beginning at the outer edge of the Buckley Air National Guard Base Clear Zone, 3,000 feet wide by 5,000 feet long, in which the potential for aircraft accidents, while being less than the accident potential on the Base environs, is considered measurable enough for the purposes of these Regulations to warrant certain land use restrictions to be placed on lands lying within this Zone.

ACCIDENT POTENTIAL ZONE (APZ) II. An area beginning at the outer edge of the Buckley Air National Guard Base Accident Potential Zone I, 3,000 feet wide by approximately 7,000 feet long together with a triangular-shaped area at the westerly edge of the 7,000 measurement which is 5,500 feet wide at the base by 7,300 feet long, all as depicted in Figure 3-1 of the June 1998 AICUZ, in which the potential for aircraft accidents, while being less than the accident potential of APZ I, is considered measurable enough for the purposes of these Regulations to warrant certain land use restrictions to be placed on lands lying within this Zone.
ACRE, GROSS. An area in any shape containing 43,560 square feet.

ADDITION. As used in Section 12-2000, *Floodplain Management and Flood Damage Prevention Regulations*, 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). The Administrative Site Plan (“ASP”) is the final step in the Master Development Plan process. The ASP has three related but independent components: (1) Site Development and Grading Plan; (2) Foundation and Preliminary Architecture approval; and (3) Full Shell Building and Core approval. Each ASP approved pursuant to the procedures set forth in these Regulations shall be incorporated within the approved MDP.

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% or more of an establishment’s stock-in-trade or 250 square feet of more of an establishment’s interior floor-space are presumptively “substantial or significant.”

ADULT CABARET. A nightclub, bar, restaurant, “pop shop”, or similar commercial establishment which features:

A. persons who appear nude or in a state of nudity

B. live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or,

C. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

ADULT DAY CARE CENTER. See DAY CARE CENTER, ADULT.

ADULT DAY CARE HOME. See DAY CARE HOME, ADULT.

ADULT MOTEL. A motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which
are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertise the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises 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 ten (10) hours, or allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten (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.”

**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
Chapter 19: Definitions

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’ 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 FEED YARDS, COMMERCIAL ANIMAL SALES YARDS, COMMERCIAL RIDING ACADEMIES AND PUBLIC STABLES** shall not be located closer than two hundred feet (200') from any property line, shall provide automobile and truck ingress and egress and shall provide parking and loading spaces so designed as to minimize traffic congestion. Odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining properties.

**ANIMAL HOSPITAL.** Structure for the care and recuperation of ill or injured animals. Animal hospitals shall not be located closer than one hundred feet (100') 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.

AREAS AND ACTIVITIES OF SPECIAL INTEREST. 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.

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 (3) 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 twenty-four (24) hour basis, but not to the extent that regular twenty-four (24) hour medical or nursing care is required as defined under CCR 1011-1.

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 one hundred 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.
Chapter 19: Definitions

BASEMENT. As used in Section 12-2000, Floodplain Management and Flood Damage Prevention Regulations, 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.

BILLBOARD. A sign related to a land use, business, product or service, not located or available upon the premises whereon the sign is located. These signs are distinguished from other off-premise signs by their larger than otherwise permitted size and typical location along State Highways and major arterial roadways. Billboards are often erected to attract attention to land uses, businesses, products, and/or services that may be utilized by motorists unfamiliar with area-wide land uses, businesses, products and/or services, such as tourists and out-of-state visitors.

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.
Chapter 19: Definitions

**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 appurtenances. [see following diagram]

![Building Height Illustration](image)

**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.
Chapter 19: Definitions

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 sixteen 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 twenty-four (24) hour care for dependent and neglected children, and includes those facilities for children under the age of six (6) 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 (6) grades.

CHILD CARE HOME, LARGE. A dwelling unit used for the purposes of providing care for seven (7) to twelve (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 (2) children under the age of two (2) 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.

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.

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.


COLONY. A bee hive and its equipment and accessories, including bees, comb, honey, pollen, and brood.

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.

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 a 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 these Zoning Regulations, “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.
Chapter 19: Definitions

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 three thousand (3,000) square feet.

COUNTRY CLUBS, GOLF COURSES.
A. Buildings shall be set back a minimum of one hundred feet (100') 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 twenty-five feet (25') 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.

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 12-2000.

DAMAGE, SUBSTANTIAL. See SUBSTANTIAL DAMAGE.

DAY CARE CENTER. An establishment used for the purposes of providing care for eight (8) or more children under the age of sixteen (16) years, who are not related to the owner, operator or manager thereof, for less than a twenty-four (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 twenty-four (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 sixteen (16) years, who are not related to the owner, operator or manager thereof, for less than a twenty-four (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.

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

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

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

DEVELOPMENT. When used in Section 12-2000, Floodplain Management and Flood Damage Prevention Regulations, 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.

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.

DIRECTORY SIGN. A sign utilized on a parcel containing more than one (1) legal use which lists the names and/or other information of the individual businesses located on the parcel.
**Chapter 19: Definitions**

**DIRECTIONAL SIGN.** 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.

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

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

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

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

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

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

**DRIVE-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.

**DUMPSTERS/TRASH CONTAINERS.** See TRASH CONTAINERS/DUMPSTERS.

**DUMPSTER ENCLOSURE.** See TRASH ENCLOSURE.

**DWELLING UNIT, DUPLEX.** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.
Chapter 19: Definitions

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

**DWELLING UNIT, SINGLE-FAMILY.** Kitchen, dining, living, sleeping and bath accommodations necessary for service to a family.

**DWELLING UNIT, MULTIFAMILY.** A structure housing more than two dwelling units with each dwelling unit containing the necessary kitchen, dining, living, sleeping and bath accommodations necessary for one family unit, each unit having a separate entrance, i.e.: triplex, four-plex, multifamily complex.

**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.

**ELECTRONIC MESSAGE BOARD.** The information displayed on the sign face must be a complete message, thought and/or advertisement and shall be shown in its entirety at one time. It shall not require change in words, devices, symbols, etc. to complete its message or meaning. At no time may the sign face flash, blink, rotate or change, except as permitted for time and temperature. The sign face may not be changed more than once every five (5) minutes and may include multiple colors. The entire display must be turned off while the sign face is being changed. Lighting shall conform to chart below:

Candela per square meter (nits) shall mean a unit of measurement referring to the illumination of exposed LED (light emitting diode) lighting and also referred to as nits.

The intensity of the LED display shall not exceed the levels specified in the chart below:

<table>
<thead>
<tr>
<th>Color</th>
<th>Daytime</th>
<th>Nighttime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red only</td>
<td>3,150</td>
<td>1,125</td>
</tr>
<tr>
<td>Green only</td>
<td>6,300</td>
<td>2,250</td>
</tr>
<tr>
<td>Amber only</td>
<td>4,690</td>
<td>1,675</td>
</tr>
<tr>
<td>Full color</td>
<td>7,000</td>
<td>2,500</td>
</tr>
</tbody>
</table>
Chapter 19: Definitions

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 12-2000, Floodplain Management and Flood Damage Prevention Regulations, 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 12-2000, Floodplain Management and Flood Damage Prevention Regulations, 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.

EXPERIENCED FAMILY CHILD CARE PROVIDER. To be approved for the Experienced Family Child Care provider, the provider must:

A. Have been a family child care home provider in Colorado for at least the last six (6) consecutive years;
B. Have completed 90 clock hours of training within the preceding six (6) years (excluding pre-licensing training); providers with a minimum of 65 hours of training within the preceding six (6) years may be approved for the license if they complete the additional 25 hours of training within one year of the effective date of these rules; 40 hours of the 90 hours must be in infant/toddler training;
C. Have has no substantiated complaints in the preceding two (2) years for violations that could directly threaten the health or safety of children in care;
D. Have no negative licensing action taken against the license in the preceding two (2) years;
E. Meet requirements of 35 square feet of inside space and 75 square feet of outside space per child;

The following chart describes the various options available to the Experienced Family Child Care Provider. Providers are free to move from one option to another without notifying the department, as long as they are in compliance with all licensing rules.
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### All Options Include Provider’s Own Children Under 10 years of Age *

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<td>2</td>
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**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, 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 (5) 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 (4) to eight (8) persons.

**FAMILY FOSTER HOME.** A facility providing care and training for no more than four (4) children not related to the caretaker for regular twenty-four (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.

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 and 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.

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.

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 (3) feet on either side of the fence.

B. Pillars or posts between vertical fence surfaces may exceed the maximum permitted fence height by ten percent (10%).
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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 following 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 is the second step in establishing approval of land uses and siting restrictions for a development. This document provides specific information on the uses to be permitted and the manner in which they may be situated on the property.

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 five hundred years.

FIVE-HUNDRED YEAR (500-YEAR) FLOODPLAIN. The area of land susceptible to being inundated as a result of the occurrence of a five-hundred-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. [see illustrative photo]
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.

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

FLEX INDUSTRIAL. An industrial building that contains no more than fifteen 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 fifty-one (51) percent office and forty-nine (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 one-hundred-year floodplain between the floodway boundary and the limits of the base floodplain. Sheet flow areas with flood depths of less than one (1) foot are not considered part of the flood fringe. Sheet flow areas with flood depths between one (1) and three (3) 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 12-2000, *Floodplain Management and Flood Damage Prevention Regulations*, the land area that will be inundated or flooded based on the stormwater runoff produced by the 100-year flood as defined by FEMA, FHADs, or drainageways with tributary areas that are 130 acres or greater.

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

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

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

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

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

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

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

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

**FLYWAY.** A six (6) foot solid fence, wall, or thick hedge that directs the path of the bee up and out of the property.
FOOTCANDLE OR F.C. A unit of illuminance equivalent to one lumen per square foot.

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 12-2000, *Floodplain Management and Flood Damage Prevention Regulations*.

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 CUT-OFF 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 12-2000, *Floodplain Management and Flood Damage Prevention Regulations*, 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.

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.

**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.

**GROUND SIGN.** 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.

**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 sixty (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.
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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 twenty-four (24) hours or more to three (3) or more persons not related to the operator.

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 12-2000, Floodplain Management and Flood Damage Prevention Regulations, 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.

IDENTIFICATION SIGN. A sign on any lot containing more than one (1) 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.

IESNA. Illuminating Engineering Society of North America.

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

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.

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.

INTERIOR SIGN. A sign that is located within the external boundaries of a development but not visible from any, or if visible the message is not discernible, from any public right-of-way adjacent to the lot or multi-lot development.

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 (4) or more animals, six (6) 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 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 one thousand feet (1000') from any existing dwelling and shall be approved by the Federal Aviation Administration (FAA). All proposals for landing strips for aircraft, ultralights and/or helicraft 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 7 a.m., which can be used to assess the amount of exposure to aircraft noise which can be expected at certain locations proximate 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.
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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.

LOGO. A sign exhibiting a distinctive symbol which identifies a business.
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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.

A. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any obstructive plant growth having a height in excess of three feet (3’) above the elevation of the lowest point on the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior lot lines a distance of thirty feet (30’) along said front and side lot lines, connecting the points so established to form a single triangle on the area of the lot adjacent to the street intersection. However, all structures shall set back no less than twenty-five feet (25’) from each lot line abutting a street unless an approved P.U.D. Plan permits a lesser setback.

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 (2) 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 twenty-five feet (25’) 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 12-2000, Floodplain Management and Flood Damage Prevention Regulations. 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.
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**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% of the initial illuminance.

**MAJOR ELECTRICAL, NATURAL GAS, AND PETROLEUM-DERIVATIVE FACILITIES OF A PRIVATE COMPANY.** Include transmission lines, power plants, and transmission substations owned by a private company and also transmission pipelines, compressor and processing stations, and storage areas of private companies providing natural gas or other petroleum derivatives.

**MANUFACTURED HOME.** A single-family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four feet (24') in width and thirty-six feet (36') 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."

When used in Section 12-2000, *Floodplain Management and Flood Damage Prevention Regulations*, 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 12-2000, *Floodplain Management and Flood Damage Prevention Regulations*, 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.

**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.

**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. The Board of County Commissioners may, by resolution, adopt standards which allow this process to be used in other development scenarios. The process is 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 sets forth one or more proposed development scenarios for the project. It establishes development parameters that are 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 one hundred 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.

Menu Board Sign. 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.

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.

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: 1) the creating of more than 4 lots; 2) the extension of municipal facilities; and 3) the creation of any new streets.

MINOR MODIFICATION TO AN APPROVED LOCATION AND EXTENT PLAN. For the purposes of this Section, 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.

MOTHER-IN-LAW APARTMENT/DWELLING UNIT. A portion of an existing or proposed principle dwelling unit maintained and used as a separate dwelling unit in which members of the immediate family, not to exceed three persons, reside. A mother-in-law apartment or dwelling until shall be attached to the principle dwelling unit and be constructed of a similar architectural style as the principle dwelling unit. Such dwelling may include separate kitchen facilities and separate entrances
from the principle dwelling unit. The lot containing the principle dwelling unit and mother-in-law
apartment or dwelling unit shall not be further subdivided in order to create a separate lot for the mother-
in-law apartment or dwelling unit. A mother-in-law apartment or dwelling unit shall not be rented,
leased, or sold separately from the principle dwelling unit. For purposes of this definition, the term
“immediate family” shall include relatives, by blood or marriage, to include children, parents,
grandparents, brothers, sisters of the occupants.

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 12-2000, Floodplain Management
and Flood Damage Prevention Regulations, and includes any subsequent improvements to such
structures.

NEW DEVELOPMENT AND REDEVELOPMENT. When used in Section 12-200, Grading, Erosion
and Sediment Control Regulations, 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 12-2000, Floodplain Management and Flood Damage Prevention Regulations.

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:
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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.

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 (4) children, unrelated by blood or adoption, for less than twenty-four (24) hours. A nursery school shall maintain a minimum six foot (6') 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 (3) 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.

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 ten 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.

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

OIL and GAS FACILITY or FACILITIES. Includes oil and gas wellsites, flowlines, tank batteries, compressor stations, pits/ponds, below-grade tanks, dehydration units, vapor recovery units (VRUs), and associated roads. Pipelines and gathering systems, other than flowlines, as well as salt water disposal wells and injection wells are excluded. Locations with more than one of the above mentioned types of equipment will be considered to be one facility.

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

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, firm or corporation engaged in or controlling a mining operation.

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 thirty (30) days during a calendar year.

PARCEL. An area of land which is not uniquely defined on a subdivision plat, but which is described by any of the following methods:
   1) An aliquot part of a section;
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2) A metes-and-bounds description;
3) A book and page or reception number reference;
4) Any so-called “assessor’s tract;” or
5) 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.

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

PERSON. An individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

PETS. Dogs and cats over the age of six months, pot bellied pigs, and reptiles or other small animals of a type typically purchased at local pet stores, which are customarily kept in the home or on the premises for the sole pleasure and enjoyment of the occupants and not raised for commercial purposes. The definition of pets does not include chickens, geese, ducks, turkeys or other poultry or domesticated fowl. Pets that are caged indoors or kept in a terrarium or aquarium or confined in a pond will not be counted in the allowed quantity of pets within a zone district. Keeping of wild or exotic animals as defined by the State of Colorado Division of Wildlife is PROHIBITED. Keeping of any poisonous animal is PROHIBITED. Keeping of any constrictor snake or any reptile with a length greater than three (3) 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.

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.

**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.

**POLITICAL SIGN.** A sign advertising or promoting a candidate, political party, ballot issue or political issue to be voted upon at any public election.

**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") is the first step in establishing land uses and siting restrictions for a parcel of land. The uses and siting restrictions permitted by the PDP establish the general requirements with which the development must comply. The uses, minimums and maximums established in the PDP will be reviewed at the Final Development Plan stage to further determine appropriateness for the particular site and neighborhood.

**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.
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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.

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.

PROJECT IDENTIFICATION SIGN. 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.).

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

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

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

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

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

PUBLIC WORKS AND DEVELOPMENT DEPARTMENT. Herein referred to as PWD.

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

QUALIFIED PROFESSIONAL. A professional acceptable to the County, and who is either licensed by the State of Colorado to perform the type of work involved, or who is accredited by or registered with a professional group and who is operating within the scope of his/her accreditation or registration.
QUASI-PUBLIC AGENCY. An institution constituted with a governing board and obtaining more than 51 percent of its funds from tax revenue

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

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:

1. Partially or completely destroyed by any cause (i.e., fire, wind, flood), or
2. 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, 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:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. 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:
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1. 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
2. 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
3. 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.

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.
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RETAIL. Establishments engaged in selling goods or merchandise to the general public.

RETAIL, SERVICE. Establishments providing services to the general public.

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.

RODEO. An event comprising 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.

ROOF SIGN. A sign upon or above the roof, roofline, or parapet of the building or structure.

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.

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.

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

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 is 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.
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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 (3’) 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 observers of a message, use, product and/or service.

SIGN, DIRECTIONAL. See DIRECTIONAL SIGN.

SIGN, DIRECTORY. See DIRECTORY SIGN.

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

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 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, SPECIAL AREA/THEME. See SPECIAL AREA/THEME SIGN.

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. See TEMPORARY SIGN.

SIGN, TOP OF BUILDING. See TOP OF BUILDING SIGN.

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

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS). Any mechanism, including blades, rotors, or other moving surfaces, designed for the purpose of converting wind energy into mechanical or electrical power. 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. All buildings, structures and coniferous landscaping located on the south sides of public rights-of-way will be required to provide a 1:1 ratio of height to setback as a minimum distance from the right-of-way.

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.

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

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/O, AR/AH, and AR/A.

SPECIFIED ANATOMICAL AREAS. As used herein means and includes any of the following:

A. 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 subsection.

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 twenty-five feet (25') from any property line, and not closer than fifty feet (50') from any dwelling.

START OF CONSTRUCTION. 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. 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% 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/PODS. A prefabricated structure, commonly comprised of lightweight metal, which is intended for temporary storage of personal items.

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

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

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

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.
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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 12-2000, Floodplain Management and Flood Damage Prevention Regulations 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. Signs, fences, or walls used as fences, as otherwise regulated in this Code and requiring a building permit.

STRUCTURE, SIGN. See SIGN STRUCTURE.

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 (6) 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 (2) 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 thirty-five (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...
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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 twenty 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 thirty-five acres in land area, only one interest in said land shall be allowed. If the resulting parcel is greater than thirty-five acres in land area, such land area, divided by the number of interests in the resulting parcel, must result in thirty-five 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.

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 fifty percent (50%) 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 fifty percent (50%) 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."

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 ten feet (10') from any property line. Swimming pools shall comply with the Arapahoe County Building Code.
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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.

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 SIGN. 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.
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. Such signs are prohibited by Section 12-304(I) of these Sign Regulations.

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.

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

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.

TOWNHOME. An individual dwelling unit situated on one (1) lot but attached to one (1) or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.
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 at 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 eighteen (18) consecutive hours in any 24 hour day. A land use seeking hours of operation in excess of eighteen hours in any 24 hour period.

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

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

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

URBAN 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.
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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 12-2000, *Floodplain Management and Flood Damage Prevention Regulations.*

**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.

**WALL SIGN.** 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.

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 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.

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.

WINDOW SIGN. A sign which is applied or attached to, or located within one (1) foot of the interior of a window, which sign can be seen through the window from the exterior of the structure.

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". 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" 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". 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.
Chapter 19: Definitions

REVISIONS:
Rev Date 4.2.01; Minor Revisions 9/02; Rev Date 12.03 Addition of Lighting Definitions; Rev Date 6.04 Agri-tainment Definitions; Rev Date 6.05 GESPC Definitions; Rev Date 10.05 Day Care Definitions; Rev Date 1.06 Rural Cluster Definitions; Rev Date 3.06 USR/1041 Definitions; Rev Date 0.07 Stormwater Management Manual; Rev Date 8.07 Group Home/Family Definitions/Amateur Motorsports Facility; Rev Date 7.09 Pet and Building Height Definition; Rev Date 11.30.10 Floodplain Regulations Definitions; Rev Date 1.31.11 Added the following definitions: Accessory Dwelling Unit (ADU); Building Line, Rear; Building Line, Side; Auto Detailing; Car Wash; Catering Services; Cemetery; Check Cashing Facility; Convenience Store; Crematorium; Commercial Office; Drive-In; Financial Establishment; Grocery Store; Live-Work Unit; Mausoleum; Night Club; Office/ Business Park Development; Resource Recovery; Retail/ Retail Sales; Service Commercial; Structure (Non-Floodplain); Tavern; Urban Drainage and Flood Control District (UDFCD); Warehouse; Waste Transfer Station; revised Building Line, Front; Drive-Up (Or Through) Facility; Restaurant; Drive-in, Take-Out; Twenty-Four (24) Hour Use; Removed Bank, Drive-Through; Case No. W10-036 September 30, 2011 – modifications, revisions & deletions to the following definitions: Agricultural Animal; Agricultural Animal, Small, Non-Commercial; Airport Influence Area; Assisted Living Residence; Auto Repair, Minor; Auto Repair, Major; Automobile Wrecking/Salvage Yard; Automobile Service Station.; Bar/Tavern; Car Wash; Catering Service; Child Care Home, Large; Convenience Store; Day Care Center; Daycare Center, Adult Day Care Home - Day Care Home, Adult; Drive-In or Drive-Through Facility; Drought Tolerant Landscape; Event and Conference Center; Fast Food Restaurant; Fuel Dispenser; Grocery Store; Health Club; Laboratory; Large Wind Energy Conversion System; Lot; Manufacturing, Light; Manufacturing, Heavy; Microbrewery; Night Club; Office Park Development; Office/Showroom; Outdoor Display/Sales; Parcel; Parking Lot, Accessory; Parking Lot, Commercial; Pets; Professional Office; Research And Development; Research And Development-Business; Retail; Service; Slaughter House; Small Wind Energy Conversion System (SWEC); Trash Container/Dumpster; Trash Enclosure; Truck Stop; Urban Growth Boundary; Vehicle Repair, Minor; Vehicle Repair, Major; Wind Energy Conversion System; relocated and amended or deleted definitions from Chapter 10 Overlay Zones; added definitions from new CMRS 12-1100. Rev Date 12.17.13 – Revised per CWCB (State) example Colorado Floodplain Damage Prevention Ordinance, September 6, 2011 which includes revisions for the 2011 revised rules: Addition, Area of Special Flood Hazard (deleted), Base Flood, Base Flood Elevation, Basement, Channelization, Code of Federal Regulations (CFR), Conditional Letter of Map Revision (CLOMR), Critical Facility or Facilities, Development, Digital Flood Insurance Rate Map (DFIRM), Drainageway, Existing Manufactured Home Park or Subdivision, Expansion to Existing Manufactured Home Park or Subdivision, FEMA, Fill, Five-Hundred-Year (500-Year) Flood, Five-Hundred-Year (500-Year) Floodplain, Floatable Materials, Flood or Flooding, Flood Control Structure, Flood Fringe, Flood Hazard Area Delineation (FHAD), Flood Insurance Rate Map (FIRM), Flood Insurance Study, Floodplain, Floodplain Administrator, Floodplain Development Permit, Floodplain Management, Floodplain Management Regulations, Floodproofing, Floodway, Freeboard, Functionally Dependent Use, Highest Adjacent Grade, Historic Structure, Letter of Map Amendment (LOMA), Letter of Map Change (LOMC), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), Levee, Lowest Adjacent Grade (LAG), Lowest Floor, Manufactured Home, Manufactured Home Park or Subdivision, National Flood Hazard Layer (NFHL), New Construction, New Development and Redevelopment, New Manufactured Home Park or Subdivision, No-Rise, No-Rise Certification, Nonstructural Development, Physical Map Revision (PMR), Reconstruction, Recreational Vehicle, Redevelopment, Shallow Flooding Areas (AO or AH Zones), Special Flood Hazard Areas (SFHA), Start of Construction, Structure, Substantial Damage, Substantial Improvement, Technical Review Committee, Variance, Violation, Watercourse, Water Surface Elevation (WSE). Rev 11-22-2016 Farming or Ranching Events (redeline and eliminate “Seasonal” from term), Rodeo redefine. Chapter 19 – Definitions Amended May 18, 2012 to include definitions for Community Gardens, Produce Stand, and Farmers’ Market, Outdoor; September 30, 2011- updated definitions, relocated definitions from Chapter 10 and Section 12-1100, August 30, 2012 to add Rural Engineering Standards, December 18, 2012 Add definition for Flag Banner/Feather Flags, Revise Rodeo definition April 22, 2013; Oil and Gas Facility or Facilities April 30, 2013; Revise and add definitions related to Floodplain Management and Flood Damage Prevention Regulations December 17, 2013 Amended 11-22-2016 Farming or Ranching Events, Rodeo. Rev. 01-03-2017: Add “Accessible.” Amended sign-related definitions 06-19-18. Amended definition of Agricultural Animal, Small, Non-Commercial, Added definition of Bee, Added definition of Colony, Added definition of Flyway – R190234 Approved 04-02-2019, In Effect 04-30-2019.